

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.649 OF 2014
IN
SUIT NO.942 OF 2013**

Unimers India Ltd. ... Applicant/Plaintiff
versus
IFCI Limited and Ors. ... Defendants

Mr. Yahya Ghogari with Ms. Rashmi Sahani i/by M/s. Vigil Juris, for Plaintiff.
Ms. Sonali S. Jain i/by M/s. Juris Consultus, for Defendant No.1.

CORAM: S.J. KATHAWALLA, J.

DATE: 28th SEPTEMBER, 2015

P.C.:

1. The above Suit is filed by the Plaintiff against the Defendants on 15-11-2013. Before the Writ of Summons in the above Suit was served on the Defendants, the Plaintiff took out the above Chamber Summons seeking to carry out certain amendments to the Plaint. By the said amendment, the Plaintiff seeks to bring on record certain subsequent events and also the Deed of Confirmation which is executed by and between Defendant Nos.1 to 3 subsequent to the filing of the Suit.

2. The Chamber Summons is served on the Defendants as far back as in August, 2014. The Defendants have not filed any Affidavit-in-Reply opposing the above Chamber Summons. The Advocate for the Defendant seeks time to file Reply. Since no reply is filed since more than one year after service of the Chamber Summons, the question of granting time does not arise and the Application is rejected.

In fact, even today, none appear for Defendant Nos.2 and 3. In view thereof, for reasons set out in the Affidavit in support of the Chamber Summons, the Chamber Summons is allowed in terms of prayer clause (a), which is reproduced hereunder :

(a) that the Applicant/Plaintiff be allowed/permitted to carry out the amendment as per the Schedule annexed hereto;

3. Amendments to be carried out on or before 5th October, 2015. All contentions of the parties are kept open. The Chamber Summons is accordingly disposed of.

4. Place the Suit for Directions on 7th October, 2015.

(S.J.KATHAWALLA,J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.