

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) No. 526 OF 2015
IN
CHAMBER SUMMONS No. 629 OF 2014
IN
SUMMARY SUIT No. 1118 OF 2010

Shaym Chawala,
Sole Prop. M/s. Tractor Spares
Corporation & Anr. ... Appellants
Vs.
Mahindra and Mahindra Ltd. ... Respondents

Mr. Sandesh Shukla a/w Rajesh Mirchandani, for the Appellants.

Mr. Naresh Ratnani i/b Ashwin Ankhad & Associates, for the
Respondents.

CORAM : V. M. KANADE, &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : NOVEMBER 23, 2015

PC.

. Heard the learned counsel appearing for the Appellants.

The grievance of the Appellants is that the application for amendment filed by the Plaintiff was allowed though Defendants were not represented by the advocate. We have perused the impugned order. The learned Single Judge has rightly observed in the said order that summons for judgment was not served on the Defendant prior to the

application for amendment of the chamber summons was made. The learned Single Judge has also observed that though the Defendants are not present, he has gone through the affidavit in reply filed by the Defendants. He has also observed that the Defendants have dealt with merits of the case and the merits of the averments in the amendment application. He has further observed that the Defendants can always file reply to the fresh summons for judgment and deal with the averments which are made by the Plaintiff in the said chamber summons. We do not see any infirmity or illegality in the impugned order dated 9.6.2015. No case is made out for interference with the impugned order passed by the learned Single Judge. Hence, appeal is dismissed. All contentions on merits of the Appellants / original Defendants are kept open.

2. At this stage, learned counsel appearing on behalf of the Appellants seeks stay of this order. Request for stay of the order is declined. Appeal is disposed of in the aforesaid terms.

Sd/-

[Dr. SHALINI PHANSALKAR-JOSHI, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemth