

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 887 OF 2014
IN
SUIT NO. 353 OF 2014

Satvik Rajiv Samani & Anr.	...Applicants
<i>In the matter between</i>	
Satvik Rajiv Samani & Anr.	...Plaintiffs
<i>Versus</i>	
Smt. Shardaben Prabhudas Samani & Ors.	...Defendants

Dr. Birendra Saraf, *a/w Rajeev Carvalho i/b Lex Solios, for the Plaintiffs in Chamber Summons No. 566 of 2014 and Defendant No. 1 in Suit No. 969 of 2014.*

Mr. Nimay Dave, *i/b M/s. M. K. Ambalal & Co., for the Plaintiff in Suit No. 969 of 2014 and Respondent No. 7 in Chamber Summons No. 887 of 2014. for the Defendants.*

Mr. Shilpan Gaonkar, *a/w Gauraj Deshpande and Devjani Deshmukh i/b M/s. Kurdukar Associates for the Defendant No. 2 in Suit No. 353 of 2014 and Defendant No. 3 in Suit No. 969 of 2014.*

Mr. Satish Shetye, *a/w Dharmesh Pandya i/b Ashwin Pandya & Associates, for the Defendant No. 1 in Suit No. 353 of 2014 and Defendant No. 2 in Suit No. 969 of 2014*

CORAM: G.S. PATEL, J
DATED: 9th February 2015

PC:-

1. Heard.

2. This is the Plaintiffs' Chamber Summons for amendment to the plaint. No Written Statements are yet filed. By the proposed amendment, additional grounds are sought to be taken and additional prayers are also sought to be included in the plaint. A case is sought to be made out in relation to the 2nd Plaintiff's rights regarding commercial immovable property and for which purpose the Respondents are sought to be added as party Defendants to the suit.

3. Given the frame of the suit, and the stage at which it currently is, in my view, the Chamber Summons ought to be made allowed. It is made absolute in terms of prayer clauses (a) and (b). Amendment to be carried out on or before 23rd February 2015. Copies of the amended plaint to be served on the Advocates for the existing Defendants as also the newly added Defendants.

4. Prayers (c) to (h) of the Chamber Summons are for interim reliefs by way of injunction. The Plaintiffs will be at liberty to file a Notice of Motion incorporating all these reliefs and such other reliefs as they may think appropriate. Chamber Summons is disposed of in these terms, with no order as to costs.

5. All contentions of the Defendants are expressly kept open, including on the question of limitation. Time to carry out the amendments previously allowed is extended till 23rd February 2015.

6. Ad-interim order dated 28th November 2013 in Notice of Motion No. 2143 of 2013 in Suit (L) No. 947 of 2013, i.e., the present Suit to continue till further orders, with liberty to the parties to apply.

(G. S. PATEL, J.)