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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1003 OF 2014

IN

SUIT NO.8 OF 1996

Ambalal Maganlal Patel & Ors. ...Applicants/Plaintiffs

vs

Mrs. Ethel Gomes (Deceased)

1(a) Mrs. Carol Roque Lobo & Ors. ...Defendants

.....

Mr. Sean Wassoodew, a/w. Mr. Rupesh Mandhare, for the Plaintiffs.

Mr. Sajid Shamim, i/b. J.H. Dhorajiwala, for the Defendants.

.....

CORAM : S.C. GUPTE, J.

DATED : FEBRUARY 10, 2015

P.C. :

. This Chamber Summons is taken out by the original Plaintiffs for amendment of the plaint. The Schedule of Amendments annexed to the Chamber Summons shows that the amendments are basically of three types.

2. Firstly, it is claimed that certain survey numbers forming part of the subject matter of the present suit have been sub-divided into smaller plots and several survey numbers has been assigned to these plots. The Plaintiffs propose to bring that fact on record. There cannot possibly be any objection to this amendment being allowed.

3. Secondly, the amendment seeks to introduce averments in the plaint regarding acquisition of certain properties by the Central Government. These properties originally form part of the subject matter of the present suit. The only controversy in this respect is whether or not the Plaintiffs learnt about these acquisitions after the filing of the present suit as claimed by the Plaintiffs. Learned Counsel for the Defendants submits that the Defendants dispute this position. It is submitted that the Defendants do not accept the contentions of the Plaintiffs in this behalf. This, of course, is a matter of trial and the amendment can very well be allowed, subject to all contentions of the parties on merits being kept open.

4. Thirdly, the amendment seeks to place on record the fact that a portion of the suit properties, which is the subject matter of the present suit, does not belong to the Defendants. The Defendants, of course, have no objection to the property being deleted or the averments being brought on record to that effect.

5. Accordingly, the Chamber Summons is made absolute in terms of prayer clause (a). The amendment to be carried out within a period of two weeks from today. All contentions of the parties on merits are kept open.

(S.C. GUPTE, J.)