

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

**CHAMBER SUMMONS NO.283 OF 2015
IN
SUIT NO.2675 OF 2009**

Amirali A. PorbanderwalaApplicant/Plaintiff

IN THE MATTER BETWEEN :

Amirali A. PorbanderwalaPlaintiff

V/s.

Homeland Developers Pvt. Ltd. & Ors.Defendants

Ms. Sayali Bhaidkar i/b. Rupesh Lanjekar for the applicant/plaintiff.

Mr. Aditya Shiralkar i/b. Rakesh Agarwal for the defendant nos.2 and 3.

Ms. Neha Shah i/b. Narayanan & Narayanan for the defendant no.4.

CORAM : K.R.SHRIRAM,J

DATE : 1st October, 2015

P.C.:-

1 At the outset, the counsel for the plaintiff seeks leave to amend prayer clause (b) to correct the word "Petition" to "Plaint". Leave granted. The amendment to be carried out forthwith.

2 This Chamber Summons is taken out for leave to amend the plaint. The defendants have not filed any reply though served. The matter is at pre-trial stage.

3 The object of Order 6 Rule 17 is that the court should try the merit of the cause which come before them and should consequently allow all amendments which may be necessary for determining the real question in controversy between the parties, provided it does not prejudice or cause injustice to the other. The rule of amendment is essentially a rule of justice and equity and the power of amendment has to be exercised in the larger interest of doing full and complete justice to the parties before the court. The amendment of pleading should be allowed unless the party applying was acting malafide. Under Order 6 Rule 17, the court is generally lenient in allowing amendment in pre-trial stage. In this case even the issues are yet to be framed. I do not find that the application is malafide. Moreover, it does appear that the amendments will assist further in determining the real question in controversy between the parties.

4 Therefore, the chamber summons is allowed in terms of prayer clause (a) keeping open the rights of the defendants on all accounts including limitation. The chamber summons is accordingly disposed of.

5 The plaintiff to amend the plaint and serve a copy of the amended plaint within two weeks from today. Should the defendants wish to file an additional written statement or amend the written statement, the same to be carried out within two weeks of receiving a copy of the amended plaint.

(K.R.SHRIRAM,J)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment/Order.**