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

**CHAMBER SUMMONS NO.1150 OF 2014
IN
SUMMARY SUIT NO.48 OF 2014
WITH
SUMMONS FOR JUDGMENT NO.8 OF 2014
IN
SUMMARY SUIT NO.48 OF 2014**

Ahluwalia Contracts India Limited And Anr. ...Applicants/Plaintiffs
vs

M/s. Sheth Developers Pvt. Ltd. & Ors. ...Defendants

.....

Dr. G.R. Sharma, i/b. D.P. Singh, for the Plaintiffs.

Ms. Alpana Ghone, i/b. Kanga & Co., for Defendant Nos. 1 to 5.

CORAM : S.C. GUPTE, J.

DATED : JANUARY 27, 2015

P.C. :

. The Plaintiffs have filed the Chamber Summons, being Chamber Summons No.1150 of 2014, seeking to amend the cause title by correcting the name of Defendant No.1. The name of Defendant No.1 is incorrectly mentioned as 'Sheth Developers Pvt. Ltd.', whilst the correct name ought to have been 'M/s. Sheth Developers and Realtors (India) Ltd.' The Plaintiffs have explained in their affidavit in support of the Chamber Summons that this mistake occurred due to oversight and that the documents which are annexed to the plaint and on the basis of which the present suit is filed, are in the name of M/s. Sheth Developers and Realtors (India) Ltd.

2. Learned Counsel seeks leave to withdraw the present Summons for Judgment with liberty to take out a fresh Summons for Judgment after the amendment is allowed.

3. The application is opposed by the Defendants by filing an affidavit in reply. It is submitted that the Summary Suit originally instituted is against an altogether different entity and that the Plaintiffs ought not to be permitted to amend the suit.

4. It is obvious that the original mistake in the name is a typographical error and has occurred through oversight as explained by the Plaintiffs in their affidavit in support of the Chamber Summons. The Chamber Summons will, accordingly, have to be allowed.

5. The Chamber Summons is, accordingly, allowed and the Plaintiffs are permitted to amend the clause title by amending the name of Defendant No.1. Amendment to be carried out within a period of one week from today. Plaintiffs are permitted to withdraw the Summons for Judgment and take out a fresh Summons for Judgment

6. Summons for Judgment is dismissed as withdrawn with liberty to take out a fresh Summons for Judgment after amending the plaint as noted above. No order as to costs.

(S.C. GUPTE, J.)