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

**CHAMBER SUMMONS NO. 1315 OF 2015
IN
SUIT NO. 3940 OF 2002**

**WITH
CONTEMPT PETITION NO. 132 OF 2010
IN
SUIT NO. 3940 OF 2002**

M/s D. Vasantrao & Co. ...Plaintiff
VS
Mr Jayantilal M. Jain & Anr. ...Defendants

.....
Ms Angel Carneiro a/w Vaibhav Shah i/b Mulla & Mulla & CBC for the Plaintiff
Ms Nupur Mukherjee i/b N.N.Vaishnawa & Co. for the Defendant.
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CORAM : S.C. GUPTA, J.

NOVEMBER 19, 2015

P.C. :

The Chamber Summons seeks an amendment to the plaint in accordance with the schedule annexed to the Chamber Summons. The amendment basically seeks to join a proposed Defendant in the cause title and make relevant averments in respect of the proposed Defendant, which arise as a result of developments subsequent to the filing of the suit. It appears that in spite of an order passed by this Court appointing a Court Receiver and the Defendant as an agent of the Receiver, the proposed Defendant is found to be in possession. As a result the Plaintiff has taken out a Contempt Petition, being Contempt Petition No.132 of 2010. That Contempt Petition is directed to be heard along with this suit, with common evidence to be led in both the matters. By this Chamber Summons, the Plaintiff, as noted above, seeks to join the proposed Defendant in the Array of parties and make requisite averments. The Chamber Summons is made absolute in terms of prayer clause (a). The Plaintiff shall add the proposed Defendant as Defendant No.2. The amendment to be

carried out within a period of two weeks from today. Learned Counsel appearing for the proposed Defendant as well as the existing Defendant waives service of the amended suit as well as writ of summons. The parties to file their respective affidavits of documents within a period of four weeks from today. The parties also to complete inspection of documents within a period of four weeks from today. The Plaintiff also to file his affidavit of evidence in lieu of examination-in-chief within a period of four weeks thereafter. Place the suit for directions on 29 January 2016. The Defendant, who is the contemnor – respondent in the Contempt Petition, is present in person. The personal presence of the contemnor – respondent in the hearings to follow is dispensed with until further orders.

(S.C.GUPTE J.)

CERTIFICATE

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