

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11570 OF 2015
WITH
CIVIL APPLICATION NO.2241 OF 2016
IN
WRIT PETITION NO.11570 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Piyush Raheja i/b. D.P. Desai, Advocate for Petitioner.

CORAM : R. G. KETKAR, J.

DATE : 18/11/2016

PC.:

1. Heard Mr.Piyush Raheja, learned Counsel for the petitioner.
2. By this petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 1.9.2015. By that order, the learned trial Judge held that the order dated 23.3.2015 has become infructuous.
3. Mr.Raheja submitted that by order dated 23.3.2015, the Chamber summons No.267/2015 was allowed. In view of the scheme of amalgamation, name of the plaintiffs company is changed to Fazlani Exports Pvt. Ltd. from Ahsan Exports Pvt. Ltd. Learned trial Judge directed the petitioner herein to carry out the amendment to the cause title within one week from the date of the order. As the petitioner plaintiff did not carry

out amendment within the stipulated period, the learned trial Judge held that the order dated 23.3.2015 has become infructuous.

4. Mr.Raheja submitted that the respondents have not appeared in the proceedings before the trial Court as also did not file any reply to the Chamber Summons though duly served. He seeks extension of time stipulated in the order dated 23.3.2015 for carrying out amendment and assured that within three weeks from today the petitioner will carry out the amendment.

5. In view thereof, time stipulated in the order dated 23.3.2015 is extended for a period of three weeks from today. Within three weeks from today, the petitioner will carry out the amendment as per the order dated 23.3.2015. Petition is disposed of accordingly. In view of disposal of Writ Petition, Civil Application No.2241/2016 does not survive and the same is also disposed of. Order accordingly.

6. All concerned parties, including the trial Court, to act upon the authenticated copy of this order.

(R. G. KETKAR, J.)