

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 270 OF 2016
IN
SUIT NO. 791 OF 2013**

Ravindra Thyampanna Shetty ...Plaintiff
Versus
Merkala Thyampanna Shetty & 2 Ors. ...Defendants

Mr. Milind Jadhav, *a/w Mr. Vijay S. Tiwari, i/b M/s. Bhandary & Bhandary, for the Plaintiff/Applicant.*
Mr. Sharan H. Jagtiani, *i/b Yogendra M. Kanchan, for Defendants Nos. 1 and 2.*

CORAM: G.S. PATEL, J
DATED: 23rd September 2016

PC:-

1. Heard.
2. The Chamber Summons seeks substantial amendments to the Plaint. This is the second such Chamber Summons. A previous Chamber Summons for similar amendments was allowed to be withdrawn with liberty. There is an Affidavit in Reply. I have heard both sides.

3. Although a Written Statement has been filed, I think it is necessary to allow this Chamber Summons and I accordingly do so in terms of prayer clause (a). The reason given in the Affidavit in Support is that the proposed amendments include material that subsequently came to the knowledge of the Plaintiffs. I will accept this.

4. At the same time, it is necessary to make provision for the Defendants who have already filed their Written Statements. Accordingly, all rights and contentions of the Defendants are expressly kept open, including, *inter alia*, as to the maintainability of the newly added prayers, the question of limitation arising not only on the unamended Complaint but also on the amended Complaint and the question of whether, without an appropriate declaration as referred to in paragraph 28, any of the reliefs now sought by amendment can at all be granted.

5. It is also clarified that this amendment will not relate back to the date of institution of the Suit.

6. Amendment to be carried out on or before 14th October 2016. A copy of the amended Complaint to be served on the Advocates for the Defendants on or before 21st October 2016. Additional Written Statement to be filed and served on or before 9th December 2016.

7. List the Suit for framing issues on 14th December 2016.

(G. S. PATEL, J.)