

dik

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

**CHAMBER SUMMONS NO. 399 OF 2016
IN
SUMMARY SUIT NO. 3088 OF 2006**

Salton Hong Kong Ltd. & Ors.	...Applicants/Plaintiffs
VS	
Eagle Flask Industries Ltd. & Ors.	...Defendants
.....	
Mr Dhireh Shah for the Plaintiffs	
Mr Yatin Shah for the Defendants.	

.....
**CORAM : S.C. GUPTA, J.
MARCH 03, 2016**

P.C. :

This Chamber Summons is taken out by original Plaintiff No.1 for transposition of original Plaintiff No.2 as Defendant No.3. The application is on the footing that original Plaintiff No.2 was impleaded as a distributor of the goods manufactured by Plaintiff No.1. The Plaintiff's claim in the suit is that Plaintiff No.1 sold the goods through Plaintiff No.2 to the Defendants. The suit seeks recovery of dues payable by the Defendants towards the sale of these goods. It is submitted that whereabouts of Plaintiff No.2 are not known as of now. The affidavit in support indicates that there were various communications addressed on behalf of Plaintiff No.1 seeking instructions of Plaintiff No.2, but that there was no response from the latter. In the premises, Plaintiff No.1 moves the present application.

2 Having regard to the averments made in the affidavit in support of the Chamber Summons and the documents produced therewith, the Applicant has made out a case for transposition. Accordingly, the Chamber Summons is made absolute in terms of prayer clauses (a) and (b). The amendments to be carried out within two weeks from today. Re-verification of the plaint is dispensed with.

(S.C.GUPTA J.)