

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

CHAMBER SUMMONS NO. 344 OF 2015

IN

SUIT NO. 1809 OF 1993

Dockwise Shipping B.V.

.. Applicant

In the matter between :

Wijsmuller Transport B.V.

.. Plaintiff

Vs.

Jagson International Ltd.

.. Defendant

Mr.Prashant Pratap, senior advocate a/w.Ms. Ashwini Sinha i/b Trupti Agarwal for plaintiff.

Ms.Prachi Mhatre i/b M/s.Shiralkar & Co. for defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 20TH AUGUST, 2016

P.C.

1 This chamber summons is basically for leave to amend the plaint in view of change of name of the plaintiff and also change of registered office address of the plaintiff. The counsel for the defendants states that from the affidavit in support, it appears that the change of name happened in 1993 whereas, the application for leave to amend has been taken out only in 2015. The counsel also, in fairness, states that there is no limitation of time bar but submits that in view of the delay, some costs should be imposed.

2 Heard the counsels and also considered the affidavit in support. Since it is only change of name and address, I do not think, it is necessary to impose costs.

3 The chamber summons is allowed in terms of prayer clause (a). Amendment to be carried out and copy of the amended plaint to be served within two weeks from today.

4 The counsel for the plaintiff states that written statement to the counterclaim was affirmed in February 2015 but remained to be filed in the registry. Ms.Prachi Mhatre, Advocate appearing for the defendants in the suit/plaintiffs to the counterclaim state that the written statement was to be filed within four weeks from 21st November 2014 and those four weeks could have expired sometime in end of December 2014 and therefore some costs should be imposed.

 Again in this case, the delay has been of hardly few weeks and therefore, I am not inclined to impose any costs.

5 The defendants in the suit/plaintiffs to the counterclaim to have their counterclaim numbered separately within two weeks from today and ensure that the counterclaim number is also reflected in the cause-title of the

written statement to the counterclaim.

6 Parties to also file their respective affidavits of documents and complete discovery and inspection on or before 15th September 2016. On or before 23rd September 2016, parties also to file and exchange their respective statements of admission and denial with reasons for denial.

7 Stand over to 3rd October 2016 at 3:00 p.m. for issues/further issues on which date the parties to come up with agreed issues.

(K.R. SHRIRAM, J.)