

SHEPHALI

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 279 OF 2013
IN
SUIT NO. OF 464 OF 2011

Iris Animation Pvt. Ltd. ...Plaintiff
Versus
Udbhav Dreamzone Pvt. Ltd. & 5 Ors. ...Defendants

Mr.Nikhil Jayakar, *a/w Ms. Anita Irani, i/b Vigil Juris, for the Plaintiffs.*
Ms. Laxmi M. Jenkins, *a/w Neeraj B. Merchant, i/b LMT, for Defendant No. 2.*
Mr.Arjun Gupta, *i/b Nishith Desai Associates for Defendant No. 3.*

CORAM: G.S. PATEL, J
DATED: 15th July 2016

PC:-

1. What is before me today is the Chamber Summons No. 279 of 2013. This is the Plaintiff's application for amendment to the Plaint. The amendments sought are substantial. The application is very seriously contested, *inter alia*, on the ground that allowing the amendment would radically change the nature of the Suit. The Plaintiffs do not accept this — they maintain that the amendments they seek are merely clarificatory and only introduce additional factual material.

2. I have seen the prayers to the Plaintiff and the proposed prayers in the Chamber Summons. I do not think the matter can be decided without a full-fledged hearing. The primary reason for this is the frame of prayer clause (d) of the Plaintiff.

3. In any case, it seems that the Plaintiffs and Defendants Nos. 1 and 2 have, in the five years since this Suit was filed, both wearied of this long and fruitless litigation. A proposed draft of terms for settlement have been sent by the Plaintiffs to Defendants No. 1 and 2. They are considering these. The director of the 1st Defendant is presently away on work. The dispute arises out of a Production Agreement. That agreement has several commercial terms. In any settlement, these will also have to be addressed. It is for this reason that the parties jointly seek an adjournment of six weeks, and, departing from my usual practice, is one that I am inclined to grant.

4. List the matter for settlement on 2nd September 2016.

(G. S. PATEL, J.)