

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

CHAMBER SUMMONS NO.677 OF 2014

IN

SUIT NO.1338 OF 2011

The State Trading Corpn. of India Ltd.Applicant/Def. No.1

IN THE MATTER BETWEEN :

MSC Mediterranean Shipping Company S.A.Plaintiff

V/s.

The State Trading Corpn. of India Ltd. & Anr.Defendants

Mr. A.M. Vernekar for the plaintiff.

Mr. Anirudhha Lad a/w. Mr. Sameer Singh i/b. B.J. Law Office for the defendant no.1.

CORAM : K.R.SHRIRAM,J

DATE : 21st SEPTEMBER, 2016

P.C.:-

CHAMBER SUMMONS NO.677 OF 2014

1 This chamber summons is taken out for the following reliefs :

“(a) That this Hon'ble Court be pleased to discard the written statement dated 29th April, 2014 of defendant no.1 with a liberty to file the written statement afresh by defendant no.1.

(b) That in the alternative this Hon'ble Court be pleased to grant liberty to the defendant no.1 to file additional written statement in the above suit.”

2 Mr. Vernekar, counsel appearing for the plaintiff states that there is no provision whereby written statement already filed can be discarded. At the same time, he has no objection if the alternative prayer clause – (b) is granted without prejudice to all rights and

contentions of the plaintiff.

3 In view of the above, without prejudice to all rights and contentions of the plaintiff, the chamber summons is allowed and accordingly disposed of in terms of prayer clause – (b).

4 The applicant/defendant no.1 is permitted to file additional written statement. The additional written statement to be filed in the registry and copy served upon the plaintiff on or before 23rd September, 2016. The registry to take the additional written statement on record subject to removal of office objections.

CHAMBER SUMMONS NO.1364 OF 2015

1 This chamber summons though not listed, by consent of the parties is taken up for hearing.

2 This chamber summons is taken out by the plaintiff to amend the plaint in terms of the Schedule annexed to the chamber summons in view of change of name of defendant no.2. The counsel for the defendant no.1 has no objection. Today nobody is also present for the defendant no.2.

3 In view of the above, the chamber summons is allowed and accordingly disposed of in terms of prayer clause – (a).

4 The amendment to be carried out to the plaint and copy of the amended plaint to be served within two weeks from today. The plaintiff also to amend the cause title of the written statement to reflect the change of name of defendant no.2.

(K.R.SHRIRAM,J)