

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

**CHAMBER SUMMONS NO.1436 OF 2011
IN
SUIT NO.1073 OF 2011
WITH
CHAMBER SUMMONS NO.1437 OF 2011
NOTICE OF MOTION NO.1779 OF 2011
NOTICE OF MOTION NO.1808 OF 2011
IN
SUIT NO.1317 OF 2011**

Gul Asharam Wadhawa	Plaintiff
V/s.	
Vishnu A.Wadhawa & Ors.	Defendants
And	
Manesh Vishnu Wadhwa	Respondent

Mr.Karl Tamboly i/by Thakore Jariwala & Associates for plaintiff.
Mr.V.V.Khemka for the defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 20.7.2016**

P.C.:-

1 By consent, the following order is passed :-

ORDER

(1) By consent the Draft amendments to Chamber Summons No.1436 of 2011 and 1437 of 2016 tendered by the plaintiff is taken on record and marked 'X' for identification. Amendment is allowed to be carried out forthwith ;

(2) Chamber summons made absolute in terms of

prayers (a), (b) & (b-i) of the Chamber summons without prejudice to the rights and contentions of the parties. Leave under Clause XII of the Letters Patent Act is also granted in respect of amendment without prejudice to the rights and contention of the parties ;

(3) The issue as to whether amendments can be permitted after filing of suit under Clause XII of the Letters Patent Act and whether fresh leave couldSJ12 be granted, under clause XII of the Letters Patent Act in respect of the amendments sought by way of this chamber summons, after filing of the suit, are kept open and to be decided at the hearing of the Notice of Motion for interim relief and in the absence of that at the final hearing of the suit ;

(4) Consequential amendments to the chamber summons also allowed ;

(5) Chamber summons accordingly stands disposed.

2 Amendment to be carried out within two weeks and amended plaint to be served within two weeks. Additional written statement/written statement of the newly added defendants to be filed within two weeks thereafter.

3 Shri Khemka for the defendants waives service of the written statement on behalf of the newly added defendants. Shri Khemka prays that his Vakalatnama which is filed in the chamber summons for the respondents be continued in the suit.

4 Stand over to 26.8.2016 for directions.

(K.R.SHRIRAM,J)