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

**CHAMBER SUMMONS NO.1167 OF 2015
IN
SUIT NO.291 OF 1998**

Akhtar Hasan Rizvi	...Applicant
<u>In the matter between</u>	
M/s. Lily Walter Gonsalves & Ors.	...Plaintiffs
V/s.	
Akhtar Hasan Rizvi & Ors.	...Defendants

.....

Mr. N. K. Bhosale i/b. P. V. Nichani & Co. for the Plaintiffs.
Mr. Sanjay Jain a/w Mahesh M. i/b. Ravi Thankaian for Defendant no.1.

CORAM : A. K. MENON, J.

DATE : 4TH JANUARY, 2016.

PC.:

This is a Chamber Summons taken out for amendment of the Written Statement of defendant no.1 by inserting a paragraph after clause (ix) appearing on page 9. The schedule to the Chamber Summons sets out the proposed amendment. The Chamber Summons is opposed by the Advocate for the plaintiffs on the ground of delay. According to the learned Advocate for the plaintiff, the affidavit in support of the Chamber Summons does not set out the proper reasons for not having taken up the plea earlier.

2] However, perusal of the schedule reveals that defendant no.1

is seeking leave to bring on record the facts that transpired after the filing of the written statement. Incidentally the record of the Court shows that two written statements have been filed on behalf of defendant no.1. One is dated 17th August, 1998. A second written statement appears to have been filed on 25th January, 2006. Although it is not understood on what basis the second written statement has been filed, for the moment, in view of the learned Advocates for both sided agree that the contents of both written statements are identical, we will proceed on the basis of the written statement dated 17th August, 1998 and I am satisfied with the averments in the affidavit in support of the Chamber Summons and I therefore pass the following order;

- (i) The Chamber Summons is made absolute in terms of prayer clause(a).
- (ii) Amendment to be carried out within a period of two weeks from today.
- (iii) Amended copy of the written statement to be served forthwith thereafter.
- (iv) List the suit for framing issues on 28th January, 2016 along with Contempt Petition.

(A. K. MENON, J.)