

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

**CHAMBER SUMMONS NO.1569 OF 2015
IN
SUMMARY SUIT NO.3037 OF 2004**

The Board of Trustees of B.E.S. & T & Anr.Applicants/Plaintiffs

V/s.

M.P. Madhya Kshetra Vidyutvitran
Co. Ltd. & Ors.

....Defendants

**WITH
CHAMBER SUMMONS NO.1570 OF 2015
IN
SUMMARY SUIT NO.2956 OF 2004**

The B.E.S. & T. Undertaking

....Applicants/Plaintiffs

V/s.

M.P. Madhya Kshetra Vidyutvitran
Co. Ltd. & Ors.

....Defendants

Dr. Abhinav Chandrachud a/w. Ms. Radha Bhandari i/b. M.V. Kini
and Co. for the applicants/plaintiffs.

Mr. Netaji Gawade i/b. M/s. Sanjay Udeshi and Co. for the defendant
no.1.

CORAM : K.R.SHRIRAM,J

DATE : 16th NOVEMBER, 2016

P.C.:-

CHAMBER SUMMONS NO.1569 OF 2015

1 This chamber summons is taken out for leave to amend the
plaint in this summary suit. The plaintiffs are yet to even take out
summons for judgment.

2 The counsel for the plaintiffs states that the amendment has become necessary because this suit as originally filed was claiming for repayment of the principal as well as interest amount under a bond issued by defendant no.1 to which the plaintiffs had subscribed. The counsel for the plaintiffs further states that after the suit was filed the defendant no.1 has repaid the principal amount and the interest but according to the plaintiffs the defendant no.1 should pay interest for further 81 days. This application is, therefore, to bring these facts on record and to reduce the claim amount as originally filed.

3 Since the plaintiffs have not even taken out summons for judgment, I see no reason why the amendment application should not be allowed.

4 Therefore, the chamber summons is allowed and accordingly disposed in terms of prayer clause – (a).

5 The amendment to be carried out and copy of the amended plaint to be served within three weeks from today. The counsel for the plaintiffs, on instructions states that within three weeks of serving the amended plaint the plaintiffs will apply for summons for judgment. Statement accepted.

CHAMBER SUMMONS NO.1570 OF 2015

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plaint filed in this summary suit. The plaintiffs are yet to even take
out summons for judgment.

2 The counsel for the plaintiffs states that the amendment is
become necessary because this suit as originally filed was claiming for
repayment of the principal as well as interest amount under a bond
issued by defendant no.1 to which the plaintiffs had subscribed. The
counsel for the plaintiffs further states that after the suit was filed the
defendant no.1 has repaid the principal amount but has not paid the
interest component. This application is, therefore, to bring these facts
on record and to reduce the claim amount as originally filed.

3 Since the plaintiffs have not even taken out summons for
judgment, I see know reason why the amendment application should
not be allowed.

4 The chamber summons is allowed and accordingly
disposed in terms of prayer clause – (a).

5 The amendment to be carried out and copy of the amended
plaint to be served within three weeks from today. The counsel for the
plaintiffs, on instructions states that within three weeks of serving the
amended plaint the plaintiffs will apply for summons for judgment.
Statement accepted.

(K.R.SHRIRAM,J)