

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1662 OF 2010
AND
NOTICE OF MOTION NO. 2703 OF 2007
IN
SUIT NO. 2018 OF 2007

Joy Reality Ltd. & Anr.	...Plaintiffs
<i>Versus</i>	
M/s. Lodha Co-op. Hsg. Soc. Ltd. & Ors.	...Defendants

Mr. Anuj Narula, i/b Jhangiani Narula & Associates, for the Plaintiffs.
Mr. M.G. Patil, i/b N. N. Bhadrashete, for Defendants No. 16 to 21.
Ms. Deepti Panda, a/w Ms. Smruti Bandekar, i/b Narayanan & Narayanan, for Defendant No.23.

CORAM : S.C. GUPTE, J.
DATE : 23rd February 2016

P.C. :

1. This Chamber Summons seeks amendment of the Plaint or in the alternative, permission to withdraw the Suit against Defendant No. 1 with liberty to file a Suit on the same cause of action by joining Defendant No. 1 back in the Suit and permission to amend the Plaint as per schedule.

2. Learned Counsel for the Plaintiffs presses prayer clause (b). Learned Counsel for Defendants No. 16 to 21 and learned Counsel for Defendants No. 23 have no objection to alternate prayer clause (b) being granted, subject to their contentions on merits of the case including the question of limitation being kept open.

3. The Chamber Summons is accordingly, made absolute in terms of prayer clause (b), subject to the contentions of all parties on merits including the issue of limitation being kept open. The Chamber Summons is disposed of accordingly.

4. Amendment to be carried out within one week from today.

5. Learned Counsel for the parties submit that additional Affidavits may be filed in the Notice of Motion as a result of the present amendment. The pleadings in the Notice of Motion to be completed within three weeks.

6. Motion to come up for final hearing on 22nd March 2016.

[S.C. GUPTE, J.]