

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

**CHAMBER SUMMONS NO.1585 OF 2015
WITH
CHAMBER SUMMONS NO.209 OF 2016
WITH
NOTICE OF MOTION NO.2144 OF 2015
IN
SUIT NO.1069 OF 2015**

Aamby Valley Limited & Anr.Applicants/Plaintiffs

V/s.

Parinee Developers Private LimitedDefendants

Mr. Piyush Raheja a/w. Mr. Sahil Gandhi and Ms. Ruchi Chitalia i/b.
Markand Gandhi & Co. for the applicants/plaintiffs.

None for the defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 16th NOVEMBER, 2016**

P.C.:-

CHAMBER SUMMONS NO.1585 OF 2015

1 This chamber summons is taken out for leave to amend the
plaint as per the Schedule annexed to the chamber summons. Order 6

Rule 17 of the CPC reads as under :

***“17. Amendment of Pleadings.-** the Court may at any stage at the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties:*

Provided that no application for amendment shall be allowed after the trial has commenced, unless the court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.”

2 In this case the defendants are yet to even file the written statement. Therefore, no prejudice will be caused even though the defendants have filed affidavit in reply opposing the chamber summons, if the application is allowed keeping open all defences including limitation. In the affidavit in reply the defendants have raised the issue that the plaintiffs have not paid the correct court fees and also taken out chamber summons bearing no.209 of 2016.

3 The issue of court fees can be considered when the chamber summons no.209 of 2016 is heard. Therefore, keeping open all defences including limitation this chamber summons is allowed and accordingly disposed of in terms of prayer clause – (a).

4 The amendment to be carried out and copy of the amended plaint to be served within three weeks from today. The defendants to file the written statement within four weeks of receiving the copy of the amended plaint.

(K.R.SHRIRAM,J)