

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

**CHAMBER SUMMONS NO.77 OF 2016
IN
SUMMARY SUIT NO.2169 OF 2012**

The State Trading Corporation of India Ltd.)....Plaintiff/applicant

V/s.

Shalimar Rexine India Ltd. and Ors.)....Defendants

Ms.S.I.Shah i/by S.I.Shah & Co. for the plaintiff/applicant.

None for defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 20.12.2016**

P.C.:-

1 This chamber summons is filed for leave to amend the
plaint as per the schedule annexed thereto. The counsel appearing
for the plaintiff/applicant states that they have served copy of the
chamber summons upon the defendant nos.2 & 3 on 14.12.2015 and
have also filed affidavit of service.

2 No reply has been filed and nobody is present for the
defendants. I have also considered proposed amendment. The
conditional leave against the defendant no.1 has been granted while
disposing Summons for Judgment and unconditional leave was
granted to defendant nos.2 & 3 to defend, pursuant to the order
dated 16.2.2015. Till date, defendant no.1 has not deposited the
amount and defendant nos.2 & 3 have not filed written statement.

3 Also having considered the amendment sought, the proposed amendment, I do not find the same to be malafide or amounting to changing the nature and character of the suit. The amendment also appears to be just and necessary for disposal of the suit.

4 In the circumstances, chamber summons allowed in terms of prayer clause-(a). The amendment to be carried out and amended plaint to be served within a period of three weeks.

Stand over to 20.1.2017 for directions.

(K.R.SHRIRAM,J)