

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

**CHAMBER SUMMONS NO.1435 OF 2015
WITH
NOTICE OF MOTION NO.219 OF 2015
IN
SUIT NO.160 OF 2015**

Neela Vilas ShindeApplicant/Plaintiff

V/s.

Geeta Patel D'Souza & Ors.Defendants

Mr. K.T. Kukreja i/b. Arvind Manghirmalani for the applicant/plaintiff.
None for the defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 1st OCTOBER,2016**

P.C.:-

CHAMBER SUMMONS NO.1435 OF 2015

1 This chamber summons is for leave to amend the plaint.

Order VI Rule 17 of the Code of Civil Procedure provides 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 The status of the matter is that the issues have been settled and the trial is yet to begin.

3 I have considered the proposed amendments. Neither any additional prayers are being sought nor any modification of prayer is being sought. The applicants are seeking to introduce primarily four paragraphs which gives better particulars of their averments in preceding paragraphs.

4 In my view, the rules and procedure are handmaid of justice and the object of prescribing procedure is to advance the cause of justice. No party should ordinarily be denied the opportunity of participating in the process of justice dispensation.

5 I do not find any malafide in the amendments sought nor does the amendment sought change the nature and character of the suit. As no additional prayers are being sought and prayers are not sought to be amended, the question of time bar also does not arise. The amendments sought, in my view, are only better and further particulars and no prejudice will be caused if the chamber summons is allowed.

6 Therefore, the chamber summons is allowed and accordingly disposed of in terms of prayer clauses – (a) and (b).

7 The plaint to be amended and copy of the amended plaint to be served within two weeks from today.

8 Further written statement, if any to be filed within two weeks of receiving the copy of the amended plaint.

9 The suit to be listed for directions/further issues on 25th November, 2016.

(K.R.SHRIRAM,J)