

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

**CHAMBER SUMMONS NO. 1888 OF 2011
IN
SUIT NO. 3339 OF 2008**

1(A) Smt. Smita Narendra Deorukhkar & Ors.	.. Plaintiffs
Vs.	
1. Samira Arif Khan & Ors.	.. Defendants
And	
1.M/s. Lord Shree Ganesh Developers & Anr.	.. Respondents

**WITH
NOTICE OF MOTION NO. 4268 OF 2008
IN
SUIT NO. 3339 OF 2008**

1(A) Smt. Smita Narendra Deorukhkar & Ors.	.. Plaintiffs
Vs.	
1. Samira Arif Khan & Ors.	.. Defendants

Mr.Kamal Katha a/w. Mr. Hemant Mehta i/b Mehta & Co. for plaintiff.

Ms. Kausar Banatwala i/b Tushar A. Goradia for defendant Nos.2(A) to 2(E).

Mr.Sunil Patel i/b M/s. Sunil & Co. for defendant no.3.

**CORAM : K.R.SHRIRAM, J.
DATE : 3RD AUGUST, 2016**

P.C.

1 This chamber summons is taken out for leave to amend the plaint as per the Schedule annexed to the chamber summons. The amendment primarily is to introduce two parties, i.e., the two respondents as party defendants. The counsel for the applicants/plaintiffs states that the

respondents have been served and undertakes, on instructions, to file affidavit of service within one week from today. Nobody is appearing for the respondents nor do I find any affidavit in reply.

2 The chamber summons is, therefore, allowed in terms of prayer clause (a).

The plaintiff to carry out amendment within two weeks and serve the amended plaint within one week thereafter on all the defendants including the newly added defendants. Within three weeks thereafter the parties to file their respective written statements/additional written statements.

3 The counsel for the plaintiffs seeks leave to withdraw the notice of motion No.4268 of 2008 with liberty to take out fresh notice of motion after amending the plaint.

The notice of motion dismissed as withdrawn with liberty as sought. In view of this, the notice of motion need not be amended.

4 The matter be listed for directions on 30th September 2016.

(K.R. SHRIRAM, J.)