

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

**CHAMBER SUMMONS NO.1683 OF 2015
IN
SUMMARY SUIT NO.256 OF 2014**

ACG PAM Pharma Technologies Pvt. Ltd.Plaintiff

V/s.

Dr. Datsons Labs Limited and Ors.Defendants

Mr. Gowaal K. Padavi i/b. Ms. Namita Mestry & Mr. Nitin Gangal for the applicant/plaintiff.

Mr. Himanshu V. Pradhan i/b. Crawford Bayley and Co. for the defendants.

CORAM : K.R.SHRIRAM,J

DATE : 26th October, 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 to introduce certain averments. The suit as filed is for recovery of certain amounts allegedly payable by the defendants to the plaintiff. There are various averments in the plaint which mention about the cause of action against defendant no.2 and pleadings in relation to the execution of the personal guarantee by defendant no.2 binding himself to indemnify the plaintiff in the eventuality of any default by defendant no.1 in repayment of the loan.

2 While disposing of the Summons for Judgment this court had observed and granted unconditional leave to defendant no.2 on the basis that there are no sufficient pleadings in the suit to make defendant no.2 liable. This chamber summons is taken out to supplement the pleadings already there in the plaint.

3 In my view, this would not alter or change the nature of the suit and the cause of action in any manner. The plaintiff is also not seeking to introduce any additional prayers. In my view, no prejudice will be caused to the defendants if this chamber summons is allowed. Even the issues are yet to be settled and the defendants can file additional written statement in view of the amendment.

4 In the circumstances, the chamber summons is allowed and accordingly disposed of in terms of prayer clause – (a).

5 The amendments to the plaint to be carried out and copy of the amended plaint to be served upon the defendants within three weeks from today.

6 The defendants to file additional written statement and serve a copy thereof within two weeks of receiving a copy of the amended plaint.

7 The suit to be listed for issues on 19th December, 2016.

8 In the meanwhile, parties to file their respective affidavit of documents, complete discovery and inspection and also file and exchange their statement of admission and denial with reasons for denial.

(K.R.SHRIRAM,J)