

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

**CHAMBER SUMMONS NO.1471 OF 2015
IN
SUIT NO.1757 OF 2008**

Lalit Kumar S. Kabra and Anr.Applicants/Plaintiffs

V/s.

Shri Ramchand Lekhraj & Ors.Defendants

Ms. Kainaz Irani i/b. DAS Associates for the applicants/plaintiffs.

None for the defendants.

CORAM : K.R.SHRIRAM,J

DATE : 16th NOVEMBER, 2016

P.C.:-

1 This chamber summons is for leave to amend the plaint as per the Schedule annexed thereto. The counsel appearing for the applicants/plaintiffs states that they have served the writ of summons upon the defendants and the suit has proceeded as an undefended suit. The counsel for the applicants further states that they have also attempted to serve this chamber summons and the packet when sent by way of RPAD was returned with the endorsement "unclaimed". Thereafter the plaintiffs have tried to serve the defendants by hand delivery at the address shown in the cause title. It is stated that when the plaintiffs' representative went to serve the chamber summons on 30th March, 2016 the flat was found locked and on inquiry with the

Watchman and Secretary of the Society they were informed that they are not aware about the defendants. The plaintiffs have also filed an affidavit of service of one Soumya Ranjan Das affirmed on 31st March, 2016 confirming the same.

2 Since the suit is proceeding as an undefended suit and written statement itself is yet to be filed, I am inclined to allow this application for leave to amend the plaint. At the same time, the issue as to limitation is kept open.

3 The 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 paint to be served upon the defendants within four weeks from today. Should the defendants wish to file written statement, the same to be filed and copy served within four weeks thereafter.

5 The suit to be listed for directions on 27th January, 2017.

(K.R.SHRIRAM,J)