

SHEPHALI

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 633 OF 2016
IN
SUIT NO. 399 OF 2013
AND
CHAMBER SUMMONS NO. 165 OF 2016

Veena Vijaykumar Oza ...Plaintiff
Versus
Sharan Shelters Pvt. Ltd. & 11 Ors. ...Defendants

Ms. Eventa Gonsalves, *i/b Shantilal & Co., for Applicant/Plaintiff.*
Mr. Aliabbas Delhiwala, *a/w Mr. Sachin Mahagavkar, i/b Divya*
Shah Associates, for Defendant No. 1.
Mr. Vatsal Shah, *i/b Manoj Nikose, for Defendant No. 3.*

CORAM: G.S. PATEL, J
DATED: 25th October 2016

PC:-

1. This is the Plaintiff's Chamber Summons for amendment. The Defendants have raised a plea of jurisdiction as a preliminary issue. It is submitted on behalf of the Defendants that if that issue is decided in favour of the Defendants on the Plaint as it stands, no question would arise of allowing or not allowing the amendment. The present Chamber Summons should, in their submission, await the determination of the preliminary issue.

2. I agree.

3. The preliminary issue framed is as follows:

“Whether the Suit as filed is barred by limitation?”

4. Ms. Gonsalves wish to lead evidence on the preliminary issue. An Evidence Affidavit limited to the jurisdictional issue is to be filed and served on or before 2nd December 2016.

5. List the matter on 16th December 2016 for marking the Plaintiff’s documents.

CHAMBER SUMMONS NO. 165 OF 2016

6. Mr. Shah’s Chamber Summons No. 165 of 2016 is, by consent, taken on board.

7. For the reasons set out in the Affidavit in Support, the delay is condoned. Written Statement of Defendant No. 3 to be filed in the Registry and a copy is to be served on the Plaintiffs on or before 2nd December 2016.

8. The Chamber Summons is disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)