

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9820 OF 2017

National Health & Education Society .. Petitioner

v/s.

Dr. Bharat V. Shah .. Respondent

Mr. Shyam Kapadia a/w Mr. Aman Rungta i/b Crawford Bayley & Co.
for the petitioner

Mr. Gautam Ankhad a/w Mr. Hiral Thakkar i/b Ashwin Ankhad &
Associates for the respondent

**CORAM : M.S. SANKLECHA, J.
DATED : 4th SEPTEMBER, 2017**

P.C.

1. This petition is moved for admission and urgent reliefs.
2. This petition challenges the order dated 3rd August, 2017 passed by the City Civil Court at Mumbai. By the impugned order, the Chamber Summons taken out by the respondent herein (original plaintiff) to amend the title clause of the plaint by adding the words “also known as National Health & Education Society” after the words “PD. Hinduja National Hospital and Medical Research Center” was allowed.

3. The respondent herein had filed the suit in the City Civil Court on the basis of Contract dated 19th September, 1988 entered into between the petitioner Hospital and the respondent, where the petitioner had described itself as “P.D. Hinduja National Hospital & Medical Research Centre”. Consequently, when the suit was filed, the respondent herein described the petitioner as the respondent had chosen to describe itself in the Contract dated 19th September, 1988. During the proceedings, the petitioner herein filed pursis on 10th February, 2017 in which it was recorded that the petitioner hospital is managed and governed by the National Health and Education Society, which is a society registered under the Maharashtra Co-operative Societies Act, 1860 and a trust, registered under the Bombay Trust Act. In the above view, the petitioner moved the above amendment and the trial Court by the impugned order has allowed the application for amendment.

4. The grievance of the petitioner is that the P.D. Hinduja Hospital & Medical Research Centre is not a legal entity and, therefore, could not be sued in that name. The impugned order

records the fact that the petitioner itself has before the Income Tax Tribunal as well as before the High Court, had filed proceedings describing itself as “P.D. Hinduja Hospital & Medical Research Centre”. Thus, allowing of the amendment by the addition of the words “National Health & Education Society” on the basis of the pursis filed by the petitioner herein is a reasonable view on the facts before the trial Court.

5. In the above circumstances, there is no justification to invoke my supervisory jurisdiction under Article 227 of the Constitution of India.

6. Accordingly, the petition is dismissed. No order as to costs.

(M.S. SANKLECHA, J.)