

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

**CHAMBER SUMMONS NO.108 OF 2017
IN
SUIT NO.3387 OF 2005**

Mrs. Smita Rajesh Chawan
and another ... Applicants.

In the matter between

Mrs. Smita Rajesh Chawan ... Plaintiffs.

Versus

Smt. Subhangi Sudhakar Dharu
and others ... Defendants.

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Mr. Nikhil Wadikar a/w Mr. Suyash Gadre i/b. M/s. Utangale
and Co. for Plaintiff/Applicant.
Ms. Sayli Apte i/b. P.G. Lad for Defendant Nos. 1 to 3, 5 and
6.

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CORAM : K.R. SHRIRAM, J.

DATE : 22nd MARCH 2017

P.C. :

1. This chamber summons is taken out for leave to amend
the suit. The proposed amendment is for deletion of the

names of defendant Nos.7 to 12 from the array of defendants and add Respondents as parties to the suit.

2. So far as Defendant Nos.7 to 12 are concerned, Mr.Nikhil Wadikar states that no relief has been sought in the plaint against these defendants and there is no interim order passed against these defendants. Mr. Nikhil Wadikar also states that none of these Defendants have even filed written statement.

3. As regards Respondents, counsel states that all Respondents have been served and affidavit of one Vinay Bhorge affirmed on 1st February 2017 is on record. None of the Respondents, it appears, have filed any affidavit opposing the chamber summons and the Counsel for the Applicant states that even the Applicants have not received copy of any affidavit opposing the chamber summons.

4. Affidavit in reply on behalf of Defendant No.1 to 3, 5 and 6 has been filed opposing the chamber summons though these defendants are not directly affected. Miss Sayali Apte states that Plaintiffs could have added the Respondents as

party defendants in the suit itself and because of this chamber summons, her client has to incur costs of filing a reply and also to appear in the Court. Miss Sayali Apte states that some reasonable costs be awarded to be paid to her client.

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

6. Amendment to be carried out and the copy of amended petition be served upon the defendants and the newly added Defendants within two weeks. The Plaintiffs also to apply for issuance of notice as well against the newly added defendants within two weeks and serve the same within two weeks thereafter.

7. In view of the above directions, the suit be deferred. Suit be listed for directions on 11th of August 2017.

(K.R.SHRIRAM,J)