

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

**SUIT NO.2578 OF 2000
WITH
CHAMBER SUMMONS NO.276 OF 2017
IN
SUIT NO.2578 OF 2000**

The Union of India

....Plaintiffs

Vs.

Shantikumar D. Majithia & Ors.

....Defendants

Mr. S.R. Rajguru a/w. Ms. Anamika Malhotra for plaintiffs.

Mr. Atul Daga i/b. M/s. Kanga and Co. for defendant nos.1 to 5.

CORAM : K.R.SHRIRAM, J.

DATE : 7th JULY, 2017

PC.:

1 Mr. Rajguru, counsel for plaintiffs states that though leave to amend was granted by an order dated 24th December, 2014 plaintiffs did not carry out the amendments and took out chamber summons which came to be withdrawn with liberty to file fresh chamber summons vide a order dated 18th February, 2016. Based on the liberty granted, plaintiffs have taken out a chamber summons no.276 of 2017 which is listed today.

2 Mr. Daga, counsel for defendant nos.1 to 5 points out that the amendments sought are the same amendments which were permitted by this court in its order dated 24th December, 2014. Mr. Daga also points out that the court has observed that the amendments are irrelevant but still permitted plaintiffs to amend. In the affidavit in support of this chamber

summons, plaintiffs have attempted to explain the delay in not carrying out the amendments granted earlier.

3 Weighing the facts and circumstances of the case, I am inclined to grant leave to plaintiffs to amend the plaint as per the Schedule annexed to the chamber summons, keeping open the rights of defendants to raise the issue of limitation.

4 Amendment to be carried out and copy of the amended plaint to be served within two weeks. Defendants to file additional written statement within three weeks of receiving copy of the amended plaint.

5 Chamber summons accordingly stands disposed.

6 Plaintiffs to pay a sum of Rs.5,000/- as cost for this chamber summons to defendants. Mr. Daga, on instructions states that the amount may be given to charity. Plaintiffs to give a donation of Rs.5,000/- to Maharashtra Legal Services Authority within four weeks from today.

It is made clear that if this amount is not paid within the time prescribed, plaintiffs will not be permitted to carry out the amendments and no extension will be granted and no application for extension also will be entertained.

7 Suit be placed for issues on 22nd August, 2017 on which date parties to come with agreed draft issues and a separate list of issues on which they are unable to agree.

(K.R. SHRIRAM, J.)