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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 319 OF 2017

IN

SUIT NO. 839 OF 2016

WITH

CHAMBER SUMMONS NO. 321 OF 2017

IN

NOTICE OF MOTION NO. 187 OF 2017

IN

SUIT NO. 839 OF 2016

Shree Ameya Coop Hsg Soc Ltd

...Plaintiffs

Versus

Smt Laxmibai Ganpat Chogle & Ors

...Defendants

**Ms Rajani Iyer, Senior Advocate, with Susheel Mahadeshwar, i/b
Ranjana Todankar, for the Plaintiffs/Applicants.**

Mr Anil Baphana, i/b Dipti Shah, for the Defendants Nos. 1 to 13.

**Mr Aspi Chinoy, Senior Advocate, a/w Niranjana Pandit, AS
Bhalekar, i/b AQ Motiwala Advocates, for Defendants Nos. 14 & 15.**

CORAM: G.S. PATEL, J

DATED: 14th March 2017

PC:-

CHAMBER SUMMONS NO. 319 OF 2017:

1. This is the Plaintiff's Chamber Summons for amendment. It has been served. I have heard Ms Iyer for the Plaintiffs and Mr Chinoy for Defendants Nos. 13 and 14.

2. The amendments sought are indeed substantial. Yet I believe they should be permitted. They include material that came to the Plaintiffs' knowledge only after the Suit was filed. Some of this is pursuant to plans that were disclosed in the Affidavit in Reply filed by Defendants Nos. 1 to 13 before the Competent Authority under the Maharashtra Ownership of Flats Act, 1963. Further, in the Affidavit in Reply to the Notice of Motion in this Suit, Defendants Nos. 1 to 13 disclosed that the MCGM has sanctioned further building plans in the 2015 and 2016. Hence these amendments.

3. Given the nature of these amendments, all rights and contentions of all the Defendants must expressly be left open.

4. The Chamber Summons is allowed in terms of prayer clause (a). Amendments to be carried out on or before 17th March 2017. A copy of the amended plaint will be served on the Advocates for the Defendants on or before 22nd March 2017.

CHAMBER SUMMONS NO. 321 OF 2017:

5. Ms Iyer seeks leave to withdraw the Chamber Summons. The Chamber Summons is dismissed as withdrawn. No costs.

(G. S. PATEL, J.)