

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

CHAMBER SUMMONS NO. 696 OF 2016

IN

SUIT NO. 1237 OF 2009

Premier Ltd. ...Plaintiff/Applicant

vs.

Bombay Cycle and Motor Agency Ltd. ...Defendant

Mr.Akshay Patil with Varun Satiya I/b. Crawford Bayley & Co. for Plaintiff.
Mr.Aditya Bapat I/b. P & C Legal for Defendant.

CORAM : S.C. GUPTE, J.

9 JUNE 2017

P.C. :

Heard learned Counsel for the parties.

2 This chamber summons seeks amendment of the plaint based on subsequent developments during the pendency of the suit.

3 The suit claim is in respect of distributorship agreement between the parties. It is the case of the Plaintiff / Applicant that during the pendency of this suit, various third parties have raised claims against the Plaintiff and as a result, orders have been passed and monies had to be paid by the Plaintiff to the third parties, which the Plaintiff is entitled to recover from the Defendant.

4 Learned Counsel for the Defendant objects to the amendment only on the ground that the amended claim is barred by the law of

limitation.

5 On these facts, since the amendments concern the real controversy between the parties, the amendments need to be allowed. The question of limitation will be a matter of trial. All contentions of the parties in that behalf are kept open.

6 The chamber summons is, accordingly, allowed in terms of prayer clauses (a) and (b). Amendments to be carried out within two weeks. The amended plaint to be served within four weeks. The Defendant will be at liberty to file an additional written statement within two weeks thereafter. The suit to appear on board on 14 July 2017 for directions.

(S.C. Gupte, J.)