

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

CHAMBER SUMMONS NO.710 OF 2017

IN

SUIT NO.529 OF 2013

Sampooran Singh Gulzar ... Applicant

In the matter between :

Sampooran Singh Gulzar ... Plaintiff

Versus

Western India Corporation And Others ... Defendants

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Mr. Nusrat Shah a/w Kevin Gala and Samma Shah i/b Naazish N. Shah for the Applicant/Plaintiff.

Mr. Swanand Ganoo i/b Kanga & Co., for the Defendant 2.

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CORAM : S.C.GUPTE, J.

DATE : 14 JULY 2017

P.C. :

. This Chamber summons is moved by the original Plaintiff for amendment of the plaint in terms of the Schedule of amendments annexed to the Chamber Summons. Basically, what the Plaintiff proposes to do is to add a plea based on adverse possession to the Plaintiff's suit for declaration of his title. The suit is at a preliminary stage. The issues are yet to be framed. Learned Counsel for Defendant No.2 has no objection to the amendments being allowed, subject to all his contentions on merits concerning the amended plaint including his plea concerning limitation, being kept open. Accordingly, the Chamber Summons is allowed in terms of prayer clause -(a). The amendments to be carried out within two weeks.

2 It is made clear that it will be open to Defendant No.2 to contest the amended plaint on merits as well as on the ground of limitation, including the ground that the amendments do not relate back to the date of the suit.

3 The amended plaint to be served on Defendant No.2 through his advocates as well as other Defendants. Defendant No.2 will be entitled to file an additional written statement within six weeks of such service.

4 The other Defendants will also be entitled to file additional written statements. Such additional written statement/s, if any, to be filed within six weeks from service of the amended plaint.

5 The Chamber Summons is disposed of accordingly.

6 Considering the age of the Plaintiff, hearing of the suit is expedited.

(S.C. GUPTE, J.)