

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

**CHAMBER SUMMONS NO.1418 OF 2016
IN
SUIT NO.711 OF 2011**

Laxmi Industrial Estate .. Applicant

In the matter between

Laxmi Industrial Estate .. Plaintiff

Vs.

Oshiwara Land Development Co. Pvt. Ltd. & Anr. .. Defendants

Mr.Amogh Singh a/w Mr.Bhavin Bhatia for the applicant/plaintiff.
Mr.Rohan Sawant a/w Mr.Harshil Parekh i/by M/s.Purnanand & Co.
for the defendant no.2.

CORAM : R.D. DHANUKA, J.

DATE : 7th December 2017

P.C.:

. By this chamber summons, the applicant (original plaintiff) seeks amendment to the plaint as per the draft amendment annexed to the affidavit-in-support of the chamber summons.

2. Mr.Singh, learned counsel appearing for the applicant states that the defendant no.1 has been served. None appears of the defendant no.1. No affidavit-in-reply is filed. In so far as the defendant no.2 is concerned, the learned counsel appearing for the defendant no.2 states that his client has no objection if the amendment as prayed is allowed subject to the contentions raised by the defendant no.2 are kept open and without admitting the averments and contentions raised by the plaintiff in the amendment.

3. Chamber summons is accordingly made absolute in terms of prayer clause (a).

4. It is made clear that all contentions raised by the defendant no.2 are kept open. It is also made clear that merely because the amendment is permitted in terms of the draft amendment annexed at Exhibit-A, the defendant no.2 does not accept the correctness of the averments made and the contentions raised in the amendment. Amendment to be carried out in terms of the draft amendment within two weeks from today. Amended copy of the plaint shall be served upon both the defendants within two weeks from the date of carrying out amendment.

5. The defendants are permitted to file additional written statement within four weeks from the date of effecting the service of the amended copy of the plaint. No order as to costs.

R.D. DHANUKA, J.