

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.1402 OF 2016
WITH
CHAMBER SUMMONS NO.1218 OF 2016
IN
SUIT NO.486 OF 2009**

Kulwantsingh B. AnandApplicant/Plaintiff

Vs.

Tarlochan Singh Anand and Ors.Defendants

Ms. Gargi Bhagwat a/w. Ms. Chaitrali Thakur i/b. Divekar Bhagwat and Co.
for the applicant/plaintiff.

None for the defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 13th FEBRUARY, 2017

P.C.:

CHAMBER SUMMONS NO.1402 OF 2016

1 Ms. Bhagwat, counsel appearing for the applicant states that this chamber summons is for leave to amend the plaint as per the Schedule annexed thereto. The first four items of the proposed amendment are arisen due to the death of defendant no.5, who expired on 2nd July, 2013. The legal heirs of defendant no.5, Ms. Bhagwat states, are already on record, i.e., defendant nos.6 to 10.

2 As regards the proposed amendments in item 5 and 6 of the Schedule, these are merely typographical errors. Ms. Bhagwat tenders an affidavit of service of one Namdeo Kirte affirmed on 7th February, 2017 which states that all the defendants have been served but nobody is present

despite service. Infact Vakalatnama of the advocates representing some of the defendants is also filed but still nobody is present.

3 In the circumstances, the chamber summons is allowed and accordingly disposed in terms of prayer clauses – (a), (b), (c) and (d). It is however, clarified that the consequential amendments mentioned in item 7 of the Schedule annexed to the chamber summons is excluded.

4 The amendment to be carried out and copy of the amended plaint to be served within four weeks from today. Should any of the parties wish to file written statement/additional written statement, the same to be filed and copy served within four weeks of receiving the copy of the amended plaint.

CHAMBER SUMMONS NO.1218 OF 2016

1 This chamber summons is taken out to amend the plaint in view of the developments that have taken place after filing of the suit. Ms. Bhagwat, counsel for the applicant states that the defendants have been served and tenders affidavit of service of one Namdeo Kirte affirmed on 7th February, 2017. None present for the defendants though some of the defendants have represented by advocates also. Moreover issues are yet to be settled and except defendant nos.8 and 9, none of the defendants, I am

told, have also filed any written statement.

2 In view of the above, the chamber summons is allowed and accordingly disposed in terms of prayer clause – (a) except item (F) in the Schedule annexed to the chamber summons. No consequential amendments are permitted.

3 The amendment to be carried out and copy of the amended plaint to be served within four weeks from today. Should any of the parties wish to file written statement/additional written statement the same to be filed and copy served within four weeks of receiving the copy of the amended plaint.

4 Suit be listed on 20th June, 2017 for issues. In the meanwhile parties to file their respective affidavit of documents, complete discovery and inspection and exchange their statement of admission and denial with reasons for denial.

(K.R. SHRIRAM, J.)