

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

**CHAMBER SUMMONS NO. 589 OF 2013
WITH
CHAMBER SUMMONS NO. 646 OF 2014
WITH
CHAMBER SUMMONS NO. 589 OF 2013
WITH
CHAMBER SUMMONS NO. 26 OF 2016
IN
COUNTER CLAIM (L.) NO. 2571 OF 2004
IN
SUIT NO. 1861 OF 2002**

Dhirajlal R. Chheda And Ors.

.. Plaintiffs

Versus

Raishi S. Chheda And Ors.

.. Defendants

Mr.V.Y.Sanglikar a/w. Mr.Dipen Furia i/b Shah and Furia Associates for
plaintiffs/applicants.

None for defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 20TH JUNE, 2017

P.C.

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1 Heard the counsel for the plaintiffs/applicants and also considered the
affidavit in support. The counsel states that no affidavit in reply has been
filed.

2 The chamber summons is allowed in terms of prayer clause (a) and

disposed of accordingly.

Amendment to be carried out forthwith.

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3 The chamber summons is for leave to amend the counterclaim.

The counsel, at the outset, states that the counsel is pressing for amendment only in terms of prayer clause (a) of the schedule and clause (ii). The counsel also states that the chamber summons has been served upon the defendants but no reply has been filed and affidavit of service is on record.

4 Having considered the amendment sought, the chamber summons is allowed in terms of prayer clause (a). It is clarified that the amendment permitted is only in terms of amended item (a) and (ii) in the schedule.

5 The chamber summons accordingly disposed.

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6 Heard the counsel and also considered the affidavit in support. The counsel states that no affidavit in reply has also been filed.

7 In my view, this is a fit case to grant the relief sought. The chamber summons is allowed in terms of prayer clause (a) and disposed of accordingly.

8 All amendments to be carried out and amended counterclaim to be served within three weeks from today.

(K.R. SHRIRAM, J.)