

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

CHAMBER SUMMONS NO.763 OF 2017

IN

SUIT NO.196 OF 2014

WITH

NOTICE OF MOTION NO.521 OF 2014

IN

SUIT NO.196 OF 2014

Stephen Sebastian Rodrigues & Ors.

..Plaintiffs

-Versus-

Shree Nav Bharat Apartment Coop.

Housing and Ors.

..Defendants

Mr. Kamal Katha i/b. Nitin R. Gandhi for plaintiffs

Ms. Debashree Mandpe i/b. Ganesh & Co. for defendant No.1.

CORAM : K.K.TATED, J.

DATE : 20th November 2017.

P.C.

1] Heard learned Counsel for parties. Mr. Kamal Katha learned Advocate for plaintiffs submits that the defendants have already been served and an affidavit of service to that effect is filed.

2] By this chamber summons, the plaintiff is seeking to carry out amendment in plaint in respect of subsequent developments. He

submits that in or about March 2017, the plaintiffs have learnt from a reliable source that M/s. D.M.Builders have filed S.C. Suit No.5354 of 1994 against M/s. B..Constructions in Bombay City Civil Court in respect of the same suit property. Hence, the present chamber summons is preferred.

3] Though the defendants are duly served, there is no affidavit in reply filed. Learned Counsel for defendant No.1 submits that without prejudice to the rights and contentions of parties, this Court can allow the present chamber summons.

4] Considering the submissions made by learned Counsel for the applicant and the averments made in affidavit in support of the chamber summons and since learned Advocate for defendant No.1 have no objection to allow the chamber summons, without prejudice to the rights and contentions of the defendants, I am allowing this chamber summons. Hence, following order:-

A] Applicant is allowed to carry out amendments in the plaint as per the schedule annexed at page 4 to the chamber summons

within four weeks from today, failing which the chamber summons shall stand dismissed without reference to the court.

B] If the amendments are carried within stipulated time, the applicant – plaintiff to serve the amended copy of plaint on the defendants immediately thereafter and file affidavit of service to that effect.

(C) Liberty granted to the defendants to file additional written statement, if any, on the basis of amended plaint within ten weeks from the service of copy of amended plaint;

(D) The chamber summons stands disposed of accordingly.

(E) No orders as to costs.

(K.K.TATED, J.)