

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

**CHAMBER SUMMONS NO.744 OF 2017
IN
SUIT NO.1982 OF 1997**

Maharashtra State Co-op.HSG Finance)
Corporation Ltd.)....Applicants/Plaintiffs

V/s.

Dadar Janata Sahakari Co-op. Bank)
Ltd. & Ors.)....Defendants

Mr.U.M.Mahajan i/by M/s.Divekar & Co. for plaintiffs/applicants.

Mr.Raghuraj S.Deshpande for defendant nos.2, 3, 6 7 & 9.

**CORAM : K.R.SHRIRAM,J
DATE : 10.8.2017**

P.C.:-

1 The plaintiffs have closed their evidence. Defendant nos.2, 3, 6, 7 & 9 have stated they do not wish to lead any evidence.

2 At this stage, plaintiffs have taken out chamber summons for leave to amend the plaint. The proposed amendment is to the prayer clause-(b). In prayer clause-(b) plaintiffs are seeking an order and decree against defendant nos.1 & 3 to hand over vacant and peaceful possession of the property situated at 203, White House, 2nd Floor, C.T.S.No.1483, Sadashiv Peth, Pune, to the plaintiffs.

Mr.Mahajan appearing for plaintiffs states that at this belated stage it came to light that the property was actually in the

name of defendant no.2 and not in the name of defendant no.3. Mr.Mahajan states confusion arose because defendant nos.2 & 3 are brothers and defendant no.2 is Mr.Balasaheb Sadashiv Thakur and defendant no.3 is Mr.Babasaheb Sadashiv Thakur.

3 Mr.Deshpande appearing for defendant nos.2, 3, 6, 7 & 9 states in fairness that it appears to be genuine mistake and he has no objection if amendment application is allowed. At the same time, Mr.Deshpande states that he will have to consider whether further written statement is required. In which case, fresh issue will have to be framed and plaintiffs' evidence may have to be re-opened to that extent.

4 Therefore, chamber summons allowed. Plaintiffs are permitted to correct the prayer clause-b by striking out `3' and substitute it with `2'. Amendment to be carried out within one week.

5 Should the defendants wish to file any further written statement, they may do so within two weeks from today.

Stand over to 1.9.2017 for directions.

(K.R.SHRIRAM,J)