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

SUMMONS FOR JUDGMENT NO. 41 OF 2017
IN
COMMERCIAL SUIT NO. 131 OF 2017
WITH
CHAMBER SUMMONS NO.132 OF 2017
IN
COMMERCIAL SUIT NO. 131 OF 2017

Smita Rajan Desai	...Applicant(Plff.3)
In the matter between	
Gopaldas & Co. Mazgaon & Ors.	...Plaintiffs
vs	
Gopaldas Corporation & Ors.	...Defendants

.....
Mr F. Dubash a/w Dolly M Kotwani i/b Vigil Juris for the
Plaintiffs
Mr Cyrus Ardeshir a/w Neveille Mukherji, Samudra S. Asim
Tirmizi i/b Veritas Legal for Defendant Nos.2 and 3.
.....

CORAM : **B.P.COLABAWALLA, J.**
OCTOBER 31, 2017.

P.C.:

This Chamber Summons has been filed by Plaintiff
No.3 seeking permission of this Court to replace Exh. "B"
(wrongly mentioned as Exh "A") as well as Exh "E" to the
plaint.

2 Mr Ardeshir, learned counsel appearing on behalf of Defendant Nos.2 and 3 submits that instead of the Plaintiffs being allowed to replace Exh “**B**” and “**E**” (Partnership Deed dated 17th April, 2010 and Partnership Deed dated 26th November, 2014), the Plaintiffs may be permitted to bring on record these Partnership Deeds as Exhs. “**B-1**” and “**E-1**” to the plaint. He further submits that this should be without prejudice to all the rights and contentions of Defendant Nos.2 and 3 including the fact that Exh “**E-1**” and which is now sought to be brought on record is a forged and fabricated document.

3 Mr Dubhash, learned advocate appearing on behalf of the Plaintiffs has no objection to this course of action.

3 In view of the aforesaid consensus, the Plaintiffs are allowed to bring on record the Partnership Deed dated 17th April, 2010 as Exh “**B-1**” and the alleged Partnership Deed dated 26th November, 2014 as Exh “**E-1**” to the plaint. Needless to clarify that this is without prejudice to all the rights and contentions of Defendant Nos.2 and 3 including one regarding forgery and fabrication. The Chamber Summons is disposed of

in the aforesaid terms. The amendment is to be carried out within a period of one week from today.

4 As far as the Summons for Judgment is concerned, the same is stood over to 6th December, 2017. Defendant Nos.2 and 3 are directed to file their affidavit in reply, if any, to the Summons for Judgment on or before 28th November, 2017.

(B. P. COLABAWALLA, J.)