

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

**CHAMBER SUMMONS NO.771 OF 2014
WITH
NOTICE OF MOTION NO.302 OF 2013
IN
SUIT NO.695 OF 2012**

Labh Singh Daya Singh and Anr.Applicants/Plaintiffs

Vs.

Mr. Kurian Thomas and Ors.Defendants

Ms. Tanmayee Gadre a/w. Mr. Dinesh Parmar and Mr. Ramakant Patil i/b.
DSR Legal for applicants/plaintiffs.

Mr. E.A. Sasi for defendant no.2.

Ms. Dipti Kubar i/b. V. Yadav for defendant no.3.

CORAM : K.R.SHRIRAM, J.

DATE : 7th JUNE, 2017

P.C.:

CHAMBER SUMMONS NO.771 OF 2014

1 This chamber summons is taken out for leave to amend the
plaint as per the Schedule annexed to the chamber summons. The affidavit
in reply of defendant no.3 is on record. Mr. Sasi, counsel appearing for
defendant no.2 states that no reply has been filed on behalf of defendant
no.2 but the proposed amendment contained facts which plaintiffs were
aware about even before they filed the suit.

2 This is a pre-trial amendment. Only written statements have
been filed. I have gone through the proposed amendments. The proposed
amendments do not change the nature and character of the suit. I cannot
also conclude that there was any malafide intention on the part of

plaintiffs. No prayer is being sought to be added. Therefore, the question of any limitation also does not arise. In my view, having considered the proposed amendments, these amendments are required to be inserted for effectively considering and disposing of the suit.

3 In the circumstances, keeping open the rights and contentions of defendants to be raised in their further/additional written statement, the chamber summons is allowed and accordingly disposed in terms of prayer clause – (a).

Amendment to be carried out and copy of the amended plaint to be served within two weeks. The further/additional written statement to be filed and copy served within two weeks of receiving the copy of the amended plaint.

4 Suit be listed for issues on 11th July, 2017. On the next date, parties to come with agreed draft issues and a separate list of issues on which they are unable to agree.

(K.R. SHRIRAM, J.)