

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

**CHAMBER SUMMONS NO. 125 OF 2016
IN
SUIT NO. 1992 OF 2011
WITH
NOTICE OF MOTION NO. 2819 OF 2011**

Bhagwandas Gupta & Ors.	...Plaintiffs/Applicants
vs.	
Ramadhar Shivsampat Diwedi & Ors.	...Defendants

Mr.Ajay Panickar i/b. Ajay Law Associates for Plaintiffs.
Mr.Bharat Jain I/b. I.C. Legal for Defendant No.26(b) to 26(e).
Ms.Rima Oka I/b. Mr.Abhishek Patil with for Defendant Nos.55(a), (b), (c)
& 56.

CORAM : S.C. GUPTE, J.

21 JULY 2017

P.C. :

Heard learned Counsel for the parties.

2 Chamber Summons No.125/2016 is taken out by the original Plaintiffs for amendment of the plaint. According to the Plaintiffs, the amendment is necessitated as a result of certain documents, which were not available with the Plaintiffs when the suit was filed but which were traced subsequently from old files maintained by the Plaintiffs.

3 The suit is for a money claim towards monies paid by the Plaintiffs to Defendant No.1, who at the relevant time acted as the Plaintiffs' Advocate for purchase of the property. It is the grievance of the Plaintiffs that instead of purchasing the property in the name of the Plaintiffs, Defendant No.1 purchased the property in the name of himself and his family members and friends, who are arraigned as Defendants in the present

suit along with him. The documents subsequently discovered by the Plaintiffs show that Defendant No.1 in fact acted as Advocate of the Plaintiffs and monies were paid from the Plaintiffs' account. Based on these documents, further averments are sought to be made in the plaint.

4 Learned Counsel for Defendant Nos.26(b) to 26(e) as well as learned Counsel for Defendant Nos.55(a),(b),(c) and 56, who are the only Defendants, who appear to show cause today, oppose the chamber summons.

5 Considering the fact that the amendments are necessary to decide the real issue in the controversy in the suit and there are no written statements as yet by the Defendants, it is in the interest of justice that the amendments be permitted. Of course, it will be open to the Defendants to show cause to the merits of the amended plaint.

6 The chamber summons is, accordingly, allowed in terms of prayer clause (a). Amendments to be carried out within two weeks from today. Amended plaint to be served on all the Defendants. The service may be made on the Advocates of the Defendants wherever the Defendants are represented and otherwise personally on such of the Defendants, as are not represented. The Defendants may file their respective written statements, if any, within four weeks of service of the amended plaint.

7 Notice of Motion No.2819/2011 and the suit are stood over to 4 September 2017.

(S.C. Gupta, J.)