

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

**CHAMBER SUMMONS NO.1676 OF 2016
WITH
NOTIC OF MOTION NO.1605 OF 2016
IN
SUIT NO.365 OF 2016**

Theobroma Foods Pvt. Ltd.

....Applicant/Plaintiff

V/s.

Mr. Karun Narula and Ors.

....Defendants

Ms. Preeti Shah a/w. Ms. Niruti Pangotra i/b. Mr. Ashwin Shanker for the applicant/plaintiff in CHS/1676/2016.

Mr. Sharan Jagtiani a/w. Mr. Rohan Lavkumar i/b. Mr. Prakash Mahadik for the defendants.

CORAM : K.R.SHRIRAM,J

DATE : 12th JANUARY, 2017

P.C.:-

CHAMBER SUMMONS NO.1676 OF 2016

1 Since the defendants are yet to file their written statement, Mr. Jagtiani, counsel appearing for the defendants, on instructions states that the court may proceed to allow the chamber summons to incorporate the proposed amendments in the plaint but the rights and contentions of the defendants to be raised in the written statement including limitation and jurisdiction be kept open.

2 Therefore, keeping open the rights and contentions of the defendants to raise all issues in their written statement including

jurisdiction, limitation and the fact that the pleadings are contradictory to each other, the chamber summons is allowed and accordingly disposed.

3 Leave to amend as per the Schedule annexed to the chamber summons is granted. The amendment to be carried out and copy of the amended plaint to be served within two weeks from today.

The written statement to be filed and copy served within four weeks thereafter. After the written statement is filed, the parties shall file their respective affidavit of documents, complete discovery and inspection and also file and exchange their statement of admission and denial with reasons for denial.

It is clarified that the amendment permitted is without prejudice to the stand taken in the notice of motion. The notice of motion to come up on board in due course.

4 The suit be listed for issues on 3rd April, 2017.

(K.R.SHRIRAM,J)