

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

**CHAMBER SUMMONS NO.1237 OF 2014
IN
SUIT NO.3625 OF 2000**

Prajakta Engineering & Construction Pvt.Ltd.)....Plaintiff/Applicant
V/s.

Shantiniketan (Air-India) CHS Ltd. & Ors.)....Defendants

And
Mr.Abhijit Kadam & Ors.)....Prop.defendant

Ms.Ranjana Todankar for plaintiff/applicant.

Mr.Shreepad Murthy i/by Abhishek Patil for defendant no.1 and for
proposed defendant nos.2, 4 & 6.

**CORAM : K.R.SHRIRAM,J
DATE : 25.7.2017**

P.C.:-

1 This Chamber summons is for leave to amend the plaint. It should be noted that even issues are yet to be framed.

2 Mr.Murthy appearing for defendant no.1 submits that the main ground of opposition is limitation. Mr.Murthy submits that if proposed amendment is time barred, then the Court should not even, in a situation where trial is yet to begun, entertain any amendment application.

3 I have considered the proposed amendment. I am unable to conclude by considering the averments that it is time barred. It will

require evidence to be led.

4 In the circumstances, keeping open the rights and contentions of the defendants and the proposed defendants to take all grounds in the additional written statement/written statement, Chamber summons is allowed in terms of prayer clauses-(a) and (b) and stands disposed accordingly.

Amendment to be carried out and amended plaint to be served within three weeks.

5 So far as proposed defendants 1,2 4 & 6 are concerned, Mr.Murthy waives writ of summons. Written statement/additional written statement to be filed within 8 weeks of receiving amended plaint.

Stand over to 13.10.2017 for directions.

(K.R.SHRIRAM,J)