

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

**CHAMBER SUMMONS NO. 4 OF 2015
IN
COMMERCIAL SUIT NO. 25 OF 2012**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. Sandeep Maurya for Applicant.

**CORAM : K. K. TATED, J.
DATE : NOVEMBER 16, 2017**

P.C.:

1. Heard learned Counsel Mr. Maurya for Applicant/Plaintiff.

2. The learned Counsel for Applicant submits that they have already served the copy of Chamber Summons on Defendant's Advocate on 29th September, 2015. He undertakes to file Affidavit of service to that effect within two weeks from today. Same is accepted.

3. The learned Counsel for Applicant submits that by this Chamber Summons they are seeking permission to carry out amendment in the Plaint. He submits that they have filed the Suit directing Defendants to execute the Sale Deed and transfer the suit premises situated upon Survey No.

53, Hissa No. 8, admeasuring about 1664 sq.mtrs, Survey No. 54, Hissa No. 3, admeasuring about 5463 sq. mtrs. and Survey No. 101, Hissa No.2, admeasuring about 8448 sq.mtrs. of villave Nahur, Mumbai Suburban District. He submits that they have made part payment to the Defendants. He submits that later on they have made additional payment of Rs. 1,00,000/- on 7th August, 2010 by cheque no. 274333 dated 30th July, 2010, sum of Rs. 10,00,000/- by cheque no. 274340 dated 4th September, 2010 on 8th September, 2010 and Rs. 15,51,000/- by cheque No. 274344 dated 26th October, 2010 on 28th October, 2010. He submits that it remained on their part to bring on record these facts. He submits that this Hon'ble Court be pleased to allow the Applicant/Plaintiff to carry out appropriate amendment in Plaint as per Schedule on Page No.7 of the Chamber Summons. He submits that if the present Chamber Summons is not allowed, irreparable loss will cause to them.

4. It is to be noted that in spite of service neither the Defendants remained present before this Court nor they have filed Affidavit in reply to oppose the present Chamber Summons.

5. By this Chamber Summons Applicant is seeking to place on record additional information in respect of the said transaction by which they have agreed to purchase the property of

the Defendants. That is not going to change the nature of the suit.

6. Considering these facts, I am satisfied that Applicant has made out the case for allowing this Chamber Summons. Hence, the following order.

ORDER

(A) Applicant is permitted to carry out amendment in Commercial Suit No. 25 of 2012 as per Schedule on Page No.7 of Chamber Summons within four weeks from today, failing which, Chamber Summons shall stand dismissed without reference back to the Court.

(B) If the amendment is carried out within stipulated time as stated herein above, Applicant/Plaintiff to serve the amended copy of Plaint on Defendants or their Advocate thereafter within four weeks and file Affidavit of service to that effect.

(C) Defendants are permitted to file their written statement within eight weeks from the date of service of amended copy of plaint.

(D) Chamber Summons stands disposed of accordingly.

(E) No order as to costs.

(K.K.TATED, J.)