

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION**

CHAMBER SUMMONSN NO.1128 OF 2017

IN

ADMIRALTY SUIT (L) NO.530 OF 2017

Brian Joseph Fernandes and Ors.Applicants/Plaintiffs

Vs.

M.V. Neel Kamal and Ors.Defendants

And

Varun Maritime LimitedRespondent

Ms. Prapti Kedia i/b. Khare Legal Chambers for applicants/plaintiffs.

Mr. Kunal Mehta a/w. Mr. Aman Gupta i/b. Crawford Bayley and Co. for defendant no.1/respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 20th DECEMBER, 2017

PC.:

1 This chamber summons is taken out to amend the plaint as per Schedule - I and II annexed to the chamber summons. By the proposed amendment, plaintiffs seek to add respondent as defendant and also add paragraph to the plaint consequent thereto.

2 Mr. Mehta, counsel for respondent, on instructions states that respondent has no objection to the relief prayed for being granted.

3 In the circumstances, chamber summons is allowed and accordingly disposed in terms of prayer clauses – (a) and (b) which read as under :

(a) pending the hearing and final disposal of the suit, an order and direction be passed allowing the Applicants/

Plaintiffs to amend the Complaint to implead Varun Maritime Ltd. as Defendant No.2A in terms of Schedule I hereto;

(b) pending the hearing and final disposal of the suit, an order and directions be passed allowing the Applicants/ Plaintiffs to replace/substitute paragraph 3 (B) in the Complaint with the paragraph 3B mentioned in Schedule II and the Exhibits mentioned therein be allowed to be annexed to the Complaint hereto.

4 Amendment to be carried out and copy of the amended complaint to be served within three weeks from today.

5 Mr. Mehta, counsel for respondent and defendant no.1, who is being added as defendant no.2(a), waives service of writ of summons.

6 Written statement to be filed and copy served within four weeks of receiving copy of the amended complaint.

7 Suit to be listed for directions on 16th February, 2018.

(K.R. SHRIRAM, J.)