

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

CHAMBER SUMMONS NO.10 OF 2017

IN

ADMIRALTY SUIT (L) NO.896 OF 2016

Capt. Mohamed Abubaker Vaid and Ors.Applicants/Plaintiffs

Vs.

M.V. Jada and Anr.Defendants

Mr. Arnab A. Ghosh for applicants/plaintiffs.

Ms. Harshita Joglekar i/b. Royden Fernandes for defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 20th DECEMBER, 2017

P.C.:

1 At the outset, Ms. Joglekar undertakes to file Vakalatnama on behalf of defendants during the course of today in the registry. Undertaking accepted.

2 This chamber summons is for leave to amend the plaint as per the Schedule annexed to the chamber summons. This is a pretrial amendment in as much as defendants have not even filed written statement.

3 By this chamber summons, plaintiff is seeking to delete plaintiff no.12 and consequentially reduced the claim and also to add one document to the plaint. In my view, that does not change the nature and character of the suit. I also do not find any malafides attributable to plaintiff in bringing this amendment application. Since written statement also has not been filed, no prejudice whatsoever will be caused to

defendants, who can raise all their defences in the written statement.

4 In the circumstances, chamber summons is allowed and accordingly disposed in terms of prayer clauses – (a), (b) and (c).

5 Amendment to be carried out and copy of the amended plaint to be served within two weeks from today. Written statement to be filed and copy served within two weeks of receiving copy of the amended plaint.

6 Suit to be listed for directions on 19th January, 2018.

(K.R. SHRIRAM, J.)