

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

CHAMBER SUMMONS NO.1779 OF 2016

IN

SUIT NO.2869 OF 2007

M/s. Harmony Construction Company	Applicant/Plaintiff
Vs.	
Basant Arati CHS Ltd.	Defendant
And	
Shamik Enterprises Pvt. Ltd.	Respondent

Mr. Deepak Chitnis i/b. M/s. Deepak Chitnis-Chiparikar and Co. for applicant/plaintiff.

Mr. Ashok Misal i/b. Mr. Aniket Deshmukh for respondent in CHS/1779/2016.

CORAM : K.R.SHRIRAM, J.

DATE : 8th AUGUST, 2017

PC.:

1 This chamber summons is taken out to add respondent as defendant and also to introduce certain facts which have transpired after the suit was filed. Even written statement has not been filed by defendant.

2 Mr. Chitnis, counsel for applicant states that this chamber summons was served upon defendant and respondent some time in December, 2016 and no affidavit in reply opposing the chamber summons has been filed either by defendant or respondent. Mr. Misal, counsel for respondent seeks time to file affidavit in reply.

3 The suit is of the year 2007. Respondent had almost eight months to file reply. Therefore, I am no inclined to grant any more time.

4 The chamber summons is allowed and accordingly disposed in terms of prayer clause – (a). All rights and contentions of the parties are kept open to be raised in the written statement/additional written statement.

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

6 Written statement/additional written statement to be filed and copy served within four weeks of receiving copy of the amended plaint.

7 Suit to be listed for directions on 29th September, 2017.

(K.R. SHRIRAM, J.)