

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

WRIT PETITION NO. 3266 OF 2018

Nityanand Construction Services Pvt. Ltd. Petitioner

Versus

Sterlite Industries (India) Limited & Anr. Respondents

Mr. Shreepad Murthy I/by Abhishek Patil for Petitioner.

**CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.
DATE : 20TH MARCH 2018**

P.C.

. By this Writ Petition filed under Article 227 of the Constitution of India, Petitioner is challenging the order dated 14th December 2017, whereby the learned City Civil Court at Mumbai has dismissed the Chamber Summons No. 302 of 2017.

2. The said Chamber Summons was taken out by the present Petitioner, who is Plaintiff before the court in Suit No. 8346 of 1996, for carrying out the necessary change in the cause title of the Suit in the name of Plaintiff-Company. The trial court has rejected the same only on the ground that copy of certificate of incorporation is not attached to the Chamber Summons.

3. It is now submitted that said copy of certificate of incorporation is available and it is filed in this Writ Petition.

4. In view thereof, the Writ Petition is allowed.
5. The impugned order passed by the trial court is set aside.
6. The Petitioner is granted liberty to file fresh chamber summons before the trial court along with the certificate of incorporation.
7. The trial court thereafter to decide the Chamber Summons in accordance with law.

[DR.SHALINI PHANSALKAR-JOSHI, J.]