

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

IN ITS COMMERCIAL DIVISION

**CHAMBER SUMMONS NO. 106 OF 2018
IN
COMMERCIAL SUIT NO. 257 OF 2015**

Pashupati Iron and Steel Private Limited .. Applicant

In the matter between :

Pashupati Iron and Steel Private Limited .. Plaintiff

Vs.

M.V. JIU FENG LING .. Defendant

Mr. Suraj Iyer a/w. Ms. Aditi Maheshwar i/b Ganesh and Co. for applicant/plaintiff.

None for defendant.

CORAM : K.R.SHRIRAM, J.

DATE : 21ST FEBRUARY 2018

P.C.

1 The chamber summons is taken out for leave to amend the plaint. Mr. Iyer appearing for applicant tenders an affidavit of one Tejas V. Nakti affirmed on 20th February 2018 confirming service of the chamber summons upon defendants on 6th February 2018. Defendant has not been represented by any advocate after 21st March 2016 when earlier advocates were given discharge. No affidavit in reply opposing the chamber summons is filed.

2 Keeping open the rights and contentions of defendant including

limitation on the original claim as well as to the extent of the increased claim, chamber summons is allowed in terms of prayer clauses (a) and (b) which read as under :-

(a) that this Hon'ble Court be pleased to permit the Applicant/Org. Plaintiff to amend the Plaint in terms of the draft amendment in the Schedule hereto;

(b) that this Hon'ble Court be pleased to permit the Applicant/Org. Plaintiff to furnish an amount of Rs.83,970/- (Rupees Eighty Three Thousand Nine Hundred and Seventy Only) towards the additional court fee payable on account of the revised claim within a period of three weeks of the Plaint being amended as per the Schedule hereto.

3 Amendment to be carried out and amended plaint to be served upon defendant within four weeks from today.

4 Chamber summons accordingly stands disposed.

5 Should defendant wish to file a written statement, defendant may do so by filing the same and serve a copy thereof upon plaintiff within 30 days of receiving the amended plaint.

6 The suit be listed for directions on 4th May 2018.

(K.R. SHRIRAM, J.)