

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 231 OF 2018

IN

APPEALS NO. 368 OF 2017

1.Behram Nawrosji Gamadia And Anr.	...Applicants/Appellants
In the matter between	
1.Behram Nawrosji Gamadia And Anr.	...Appellants
<i>Versus</i>	
Babli Samartathmal Seth And Ors.	...Respondents

Mr.Snehal Shah with Ms.Falguni Thakkar and Mr.Saurish Shetye i/b. Doijode Associates, for the Applicants.

Mr.Ami Sheth, for Respondent No.2.

Mr.Siddharth Samantaray i/b. Mr.Deshpande, for Respondent No.4.

Mr.Anushok Daver with Ms.Niyati Kalra i/b. Negandhi Shah & Himayatullah, for Respondent Nos.5 and 6.

**CORAM : NARESH H.PATIL AND
G.S.KULKARNI, JJ.**

DATE : 12 MARCH 2018

P.C. :

1. By this Notice of Motion, the learned Counsel for the applicants/appellants seeks leave to carry out amendment to the plaint by condoning 25 day's delay. The Division Bench by an order dated 21/12/2017 had extended time to carry out amendment granted as per the order of the learned Single Judge, within period of six weeks.

2. The learned Counsel for the applicants submits that plaintiff no.2 had rushed to London as close relative was not keeping good health. He was there from December,2017 to January,2018. He was attending to his daughter. It is submitted that due to unavoidable circumstances, the amendment could not be carried out.

3. The learned Counsel for respondent no.2 submits that hearing of this appeal be deferred as a Special Leave Petition has been preferred in the Apex Court.

4. In the facts, after considering the plea and submissions advanced, we allow the applicants to carry out the proposed amendment as per the order passed by the Division Bench dated 21/12/2017. The amendment be carried out within a week's time, failure thereof, no further extension would be granted.

5. Notice of Motion is disposed of.

(G.S.KULKARNI, J.)

(NARESH H.PATIL,J.)