

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL CHAMBER SUMMONS NO.120 OF 2017
WITH
COMMERCIAL NOTICE OF MOTION NO.352 OF 2017
IN
COMMERCIAL SUIT NO.265 OF 2017**

Anant Narayan PatilPlaintiff

Vs.

M/s. Sheth Properties Pvt. Ltd.Defendant

Mr. Sandeep S. Sharma for applicant/plaintiff.

Ms. Deepti Panda a/w. Mr. Devansh Bheda I/b. Purnanand and Co. for defendant.

Mr. Zain Mookhi I/b. Mr. Ashish Raghuvanshi for respondent in chamber summons.

CORAM : K.R.SHRIRAM, J.

DATE : 26th NOVEMBER 2018

P.C.:

COMMERCIAL CHAMBER SUMMONS NO.120 OF 2017

1 This chamber summons is taken out for leave to add respondent as defendant no.2 and for making amendments to the plaint for that purpose.

2 Ms. Panda, counsel for defendant states that no relief in the plaint has been sought with regard to plot no.423. Mr. Mookhi, counsel for respondent states that the society is in plot nos.423 and 424 admittedly and society has nothing to do with plot no.423. Mr. Sharma, counsel for applicant states that in the facts narrated in the plaint reference to plot no.423 is made.

3 Mr. Mookhi and Ms. Panda state that if the words “& 423” in the proposed paragraph 26A and prayer (ci) are deleted and if applicant makes a statement that he does not wish to add respondent as defendant, the other amendments prayed for can be allowed. Ms. Panda, however, adds stating that the rights and contentions of defendant should be kept open. Mr. Sharma agrees.

4 In view of the above, chamber summons to the extent of leave to implead respondent as party defendant, is rejected. As regards the rest of the amendments to the plaint as per the schedule are concerned, the same are allowed. Rights and contentions of defendant are kept open.

5 Amendments 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 thereafter.

6 Chamber summons accordingly stands disposed.

COMMERCIAL NOTICE OF MOTION NO.352 OF 2017

Stand over to 11th December 2018.

COMMERCIAL SUIT NO.265 OF 2017

1 Pleadings in the suit are completed. Therefore, the following further directions are passed :

(a) parties to file their respective affidavit of documents and serve a copy thereof upon the other side on or before

5th January 2019, failing which parties will not be permitted to rely on any document, copy whereof is not annexed to the plaint and/or written statement or mentioned in the list of documents annexed to the plaint and/or written statement.;

(b) inspection to be given and statement of admission and denial with reasons for denial to be exchanged by 12th January 2019. If the statement of admission and denial is not given, parties shall be deemed to have admitted the existence of all the documents of the other side. If inspection is not given, such party will not be permitted to rely on any document.

2 Suit be listed for issues on 16th January 2019 on which date parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree.

(K.R. SHRIRAM, J.)