

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

CHAMBER SUMMONS NO.491 OF 2018

WITH

NOTICE OF MOTION NO.696 OF 2018

IN

SUIT NO.381 OF 2018

Sudam Balshiram LandgePlaintiff

Vs.

Vijay Kanaiyalal Parekh and Ors.Defendants

WITH

NOTICE OF MOTION NO.685 OF 2015

IN

SUIT NO.335 OF 2015

Mr. Sujeet Kurup for applicant/plaintiff.

Mr. Naveen Joshi for defendant nos.1 and 2.

CORAM : K.R.SHRIRAM, J.

DATE : 10th DECEMBER 2018

P.C.:

CHAMBER SUMMONS NO.491 OF 2018

1 Defendant no.3 has not filed any reply opposing the chamber summons though served. Defendant no.1 has filed reply. The issues are yet to be settled. This is a pretrial amendment application.

2 Therefore, keeping open the rights and contentions of defendants, chamber summons is allowed and accordingly disposed in terms of prayer clause – (a).

3 Amendment to be carried out and copy of the amended plaint to be served by 5th January 2019.

4 Additional written statement/written statement to be filed and copy served by 31st January 2019.

5 Parties to file their respective affidavit of documents and serve a copy thereof upon the other side on or before 9th February 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.

6 Inspection to be given and statement of admission and denial with reasons for denial to be exchanged by 16th February 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.

7 Suit be listed for issues on 20th February 2019 on which date parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree. On the next date, if parties do not come with draft issues, they are put to notice that parties will be put to terms.

(K.R. SHRIRAM, J.)