

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

CHAMBER SUMMONS NO.951 OF 2016

**IN
SUIT NO.263 OF 1994**

M/s. Ramko Builders

....Applicant/Plaintiff

Vs.

Narli Agripada Co-op. Hsg. Soc. & Ors.

....Defendants

And

Suranjan Holding & Estate Developers
Private Limited and Ors.

....Respondents

Mr. M.L. Palan a/w. Mr. Fraser Alexander and Ms. Aparajita Bhattacharya
I/b. Majumdar and Partners for applicant/plaintiff.

Mr. Nimay Dave a/w. Ms. Mallika Tally I/b. S. Mahomedbhai and Co. for
defendant no.1 and respondent no.1 in CHS/951/2016.

Mr. Jayesh R. Vyas for defendant no.2 and for respondent no.2 in
CHS/951/2016.

CORAM : K.R.SHRIRAM, J.

DATE : 28th AUGUST, 2018

P.C.:

1 This chamber summons is for leave to amend the plaint as per
the four Schedules annexed to the chamber summons.

2 The opposing counsel, viz., Mr. Dave and Mr. Vyas have no
objection to the amendment being allowed in terms for Schedule 1 and
Schedule 2 to the chamber summons.

3 So far as Schedule 3 is concerned, after the counsel made
submissions, Mr. Palan, counsel for applicant, on instructions, sought leave
to withdraw the chamber summons so far as it relates to respondent no.1 -

Suranjan Holding & Estate Developers Private Limited with liberty to file a suit against the same party.

4 Chamber summons allowed to be withdrawn with liberty as prayed for so far as it relates to Suranjan Holding & Estate Developers Private Limited. Mr. Dave states that the name of the entity is now changed to Keystone Realtors Private Limited. In view of this chamber summons being withdrawn as against Suranjan Holding & Estate Developers Private Limited, Mr. Palan in fairness states that Schedule 4 will require an amendment. At the same time, Mr. Vyas, counsel for respondent no.2, viz., Narli Agripada SRA Co-operative Housing Society Limited, states that chamber summons be allowed as against respondent no.2 subject to all rights and contentions of respondent no.2 being kept open to be raised in the written statement to be filed. The counsel tendered amended Schedule 3 and Schedule 4 which are taken on record and marked "X" and "X-1" for identification, respectively.

5 Leave to amend the plaint as per Schedule 1, 2, 3 (X for identification) and 4 (X-1 for identification) granted.

6 Amendment to be carried out and copy of the amended plaint to be served within three weeks from today.

7 Mr. Vyas, counsel for newly added defendant no.15 waives service of writ of summons.

8 Written statement/additional written statement to be filed and copy served upon plaintiff within two weeks of receiving copy of the amended plaint.

9 Chamber summons accordingly stands disposed.

10 Suit be listed for directions on 5th October 2018.

Gauri
Amit
Gaekwad

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signed by
Gauri Amit
Gaekwad
Date:
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(K.R. SHRIRAM, J.)