

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL CHAMBER SUMMONS NO.240 OF 2017
WITH
COMMERCIAL CHAMBER SUMMONS NO.456 OF 2018
IN
COMMERCIAL SUIT NO.16 OF 2004**

Chembur Trading Corporation Applicant/Plaintiff

Vs.

State of Maharashtra and Ors. Defendants

Mr. Mahesh Menon a/w. Mr. Rushabh Parekh I/b. M/s. DSK Legal for applicant/plaintiff.

Ms. Jyoti Chavan, AGP for defendant no.1.

Mr. Girish Utangale a/w. Mr. Chetan Mhatre I/b. M/s. Utangale and Co. for defendant no.2.

CORAM : K.R.SHRIRAM, J.

DATE : 28th AUGUST, 2018

P.C.:

COMMERCIAL CHAMBER SUMMONS NO.240 OF 2017

1 Mr. Menon, counsel for applicant states that all defendants have been served way back in September 2017 and undertakes to file affidavit of service within two weeks from today.

2 None of the defendants have filed any affidavit opposing this chamber summons. This chamber summons is basically for leave to amend the plaint as per the Schedule annexed thereto.

3 Keeping open the rights and contentions of the parties open to raise all grounds of defence including limitation in the additional written statement to be filed, chamber summons is allowed and accordingly

disposed in terms of prayer clause – (a), except serial no.XIX in the Schedule which is bracketed.

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

5 Additional written statement to be filed and copy served within two weeks of receiving copy of the amended plaint.

6 Suit be listed on 1st October 2018 for issues on which date parties to come with agreed draft issues and a separate list of issues on which they are unable to agree. In the meanwhile, parties to file their respective affidavit of documents, complete discovery and inspection and also exchange their statement of admission and denial with reasons for denial.

7 It is made clear that if the affidavit of documents is not filed or inspection is not given, none of the parties will be allowed to rely on any documents apart from those documents which are annexed to the plaint or written statement/additional written statement or mentioned in the list of documents annexed thereto.

COMMERCIAL CHAMBER SUMMONS NO.456 OF 2018

1 Mr. Menon, counsel for applicant seeks leave to withdraw the chamber summons.

2

Chamber summons dismissed as withdrawn.

Gauri
Amit
Gaekwad

Digitally
signed by
Gauri Amit
Gaekwad
Date:
2018.08.30
12:19:00
+0530

(K.R. SHRIRAM, J.)