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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMONS FOR JUDGMENT NO. 93 OF 2017
IN
COMMERCIAL SUMMARY SUIT NO. 271 OF 2017
WITH
CHAMBER SUMMONS NO. 545 OF 2018
CHAMBER SUMMONS NO 818 OF 2018
IN
COMMERCIAL SUMMARY SUIT NO. 271 OF 2017**

Ashok Commercial Enterprises and ... Plaintiff
Ramesh Ramchandani

vs.

Ariisto Developers and Atithi patel ... Defendants

Mr. Abhishek Sawant i/b. Mr. Amit Pradhan for the Plaintiff.

Mr. Harsh Gokhale a/w. Mr. Viraj Garni i/b. DSK legal for the Defendants.

CORAM : A.K. MENON, J.

DATE : 6th AUGUST, 2018

P. C.

1. By this Chamber Summons the plaintiff seeks to amend the cause title of the plaint and summons for judgment and carry out consequential amendments. Mr. Pradhan, learned counsel for the plaintiff submits that inadvertently Schedule A did not incorporate the relevant averments consequent upon amendment in the cause title. In the circumstances, the second Chamber Summons No. 818 of 2018 has been taken out.

**Rajeshwari
Ramesh
Pillai**

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2.. Learned counsel for the defendant opposes the Chamber Summons on the basis that the reply to the summons for judgment is already on file and on the basis that defendant no.1 which was a partnership firm is now a limited company pursuant to conversion of the firm to a limited company with effect from 10th November, 2016. Mr. Pradhan submits that it is only when the affidavit in reply has been filed that this fact came to the knowledge of the plaintiff. Therefore the Chamber Summons is taken out within time and without any delay. In the circumstances Chamber Summons No. 818 of 2018 seeks to add paragraph 1(A), 1(B) and carry out certain deletion as set out in Schedule A1. In view of the aforesaid, subject to the rights of the defendant to file additional affidavit in reply to summons for judgment, I am inclined to allow the chamber summons. Accordingly, I pass the following order :

- (i) Chamber Summons no.545 of 2018 made absolute in terms of prayer clause (a) and (b).
- (ii) Likewise Chamber Summons No. 818 is also allowed in terms of prayer clause (a).
- (iii) Amendment to be carried out within a period of two weeks from today.
- (iv) In the Summons for judgment defendant will be entitled to file additional affidavit in reply. Additional affidavit to be filed within three weeks from today.
- (v) All defences are kept open.
- (vi) Chamber Summons disposed of in the above terms.
- (vii) Summons for judgment to come up as per CMIS.

(A.K. MENON, J.)