

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

CHAMBER SUMMONS NO.976 OF 2017

IN

SUIT NO.97 OF 2017

Neeta Lalit Sanghavi and Anr.Applicants/Plaintiffs

Vs.

Dharamdas Vanmalidas Sanghavi and Ors.Defendants

Ms. Shlesha Sheth I/b. FZB and Associates for applicants/plaintiffs.

Mr. Hiren G. Shah I/b. Prakash and Company for defendant no.2.

CORAM : K.R.SHRIRAM, J.

DATE : 26th NOVEMBER 2018

P.C.:

CHAMBER SUMMONS NO.976 OF 2017

1 At the outset, the counsel for applicants seeks leave to amend the prayer clause – (a) of the chamber summons.

2 Leave granted. Amendment to be carried out forthwith.

3 Mr. Shah, counsel for defendant no.2 has no objection to the grant of relief as prayed for in this chamber summons.

4 Chamber summons is allowed and accordingly disposed in terms of prayer clause – (a). In the schedule of amendment, paragraph 5 is excluded and bracketed in red ink.

5 Amendments to be carried out and copy of the amended plaint to be served by 1st December 2018.

6 Ms. Sheth, counsel for plaintiffs states that all defendants have been served and undertakes to file affidavit of service within two weeks from today. No relief is being sought against defendant no.6.

7 Other defendants to file written statement and serve a copy thereof by 10th January 2019, failing which the suit will stand decreed without further reference to this Court.

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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 12th 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 19th 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 23rd 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.)