

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

CHAMBER SUMMONS NO.917 OF 2017

WITH

NOTICE OF MOTION NO.1392 OF 2017

IN

SUIT NO.494 OF 2017

Jai Jingar

....Applicant/Plaintiff

Vs.

The Royal Bank of Scotland N.V. and Ors.Defendants

Mr. Vipin Kamdi a/w. Mr. Sagar Dusane I/b. Moheen Shaikh for plaintiff/applicant.

Mr. Vishal Kanade a/w. Mr. Aditya Sikka and Ms. Priyanka Mitra I/b. Cyril Amarchand Mangaldas for defendant no.1.

Mr. K.G. Mhatre a/w. Ms. Neha Dave I/b. Mhatre and Associates for defendant no.5.

CORAM : K.R.SHRIRAM, J.

DATE : 26th NOVEMBER 2018

P.C.:

CHAMBER SUMMONS NO.917 OF 2017

1 Mr. Kanade and Mr. Mhatre state that keeping open their rights and contentions as well as of the substituted defendant no.1, chamber summons may be allowed.

2 In view thereof, chamber summons is allowed and accordingly disposed in terms of prayer clauses – (a) and (b) which read as under :

(a) that this Hon'ble Court be pleased to pass an appropriate order and direction to amend the plaint by incorporating the name of "Royal Bank of Scotland Plc" replacing the name of defendant no.1, i.e., "Royal Bank of Scotland N.V." and permit the plaintiff to amend the plaint accordingly and serve upon all the respondents and parties therein;

(b) that this Hon'ble Court be pleased to pass an appropriate order and direction to allow the additional pleadings to the plaint as per

Schedule – A enclosed to the chamber summons and direct the plaintiff to amend the plaint accordingly and serve upon all the respondents and parties therein”

3 Amendments to be carried out and copy of the amended plaint to be served on or before 10th December 2018.

4 Written statement to be filed and copy served by 10th January 2019.

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1 The nature of claim in the suit is for damages for alleged wrongful termination of employment. In a suit of this nature, which is basically a suit for damages, interim relief as sought for in this notice of motion cannot be granted.

2 Notice of motion accordingly dismissed.

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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 19th 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

26th 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 30th 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.)