

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1562 OF 2016
IN
SUIT NO. 1412 OF 2008**

Villayati Ram Mittal

...Plaintiff

Versus

Shree Markandeya Padmashali Co-op Hsg Soc
Ltd

...Defendants

Mr Chaitanya Bhandarkar, for the Plaintiff.

Mr SS Kanetkar, for the Defendants.

**CORAM: G.S. PATEL, J
DATED: 21st November 2018**

PC:-

1. This is the Plaintiff's Chamber Summons for amendments to the Plaint. It comes at a late stage, well after issues have been framed. Indeed, the Plaintiff has filed his Evidence Affidavit and his cross-examination is scheduled to begin. It is also not possible to say that the proposed amendments deal with 'subsequent' events since these seem to pertain to a period between 1991 and 1997 or 1999. There is, however, little doubt that these assertions and allegations do relate to the subject matter of the Suit, except for the assertions in paragraphs 11, 13 and 14. The averments in those three

paragraphs introduce an entirely new cause of action for damages in defamation. I am rejecting the application for the amendments listed in paragraphs 11, 13 and 14 of the Schedule to the Chamber Summons at pages 12 and 13. The remaining amendments are permitted. These are allowed entirely without prejudice to the rights and contentions of the Defendants and will not relate back to the date of institution of the Suit.

2. The amendments are to be carried out on or before 5th December 2018. A copy of the amended Plaint is to be served on the Advocate for the Defendants on or before 22nd December 2018. All supplemental Written Statements are to be filed and served on or before 31st January 2019. The Plaintiff will file a supplemental Evidence Affidavit, supplemental compilation of documents and Additional Affidavit of Documents by 28th February 2019. The Suit will be listed for marking the Plaintiff's documents on 11th March 2019.

3. The Chamber Summons is disposed of in these terms with no costs at this stage, but with liberty to the Defendants to press for costs at the final hearing of the Suit.

(G. S. PATEL, J)