

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
CHAMBER SUMMONS NO. 1091 OF 2017  
IN  
SUIT NO. 1526 OF 2002**

|                                   |               |
|-----------------------------------|---------------|
| Abhishek Enterprises              | ...Plaintiff  |
| <i>Versus</i>                     |               |
| Mathuradas Gordhandas Trust & Ors | ...Defendants |

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**Dr Birendra Saraf, with Ranjeev Varvalho, i/b Yogesh Adhia, for the  
Plaintiff.**

**Ms Jinal Gogri, i/b N Shah & Himayatullah, for Defendants Nos.  
10(a) to 10(b).**

**Mr VM Dahake, i/b Bhagat Satra, for Defendant No. 15.**

**Mr RM Haridas, i/b Ajay Patil, for Defendants Nos. 16 to 21.**

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**CORAM: G.S. PATEL, J  
DATED: 29th January 2018**

**PC:-**

1. The Chamber Summons is for amendment to the Plaint and the Notice of Motion. It also seeks condonation of delay and the setting aside of any abatement. The proposed amendment relates entirely to impleading the heirs and legal representatives of some Defendants. Dr Saraf in fairness points out that a further amendment is required. He tenders a draft. It is taken on record and marked as “X” for identification with today’s date. Leave to amend

in terms of both, the schedule to the Chamber Summons and the draft tendered and marked "X". Amendment to be carried out within a period of three weeks from today. The delay is condoned. The abatement of the Suit against Defendant No. 14 is expressly set aside.

2. The Chamber Summons is disposed of in these terms. There will be no order as to costs.

3. The Notice of Motion will be amended as well and is to be listed for hearing and final disposal on 13th March 2018 after service is effected on all Defendants if not already done as also on the newly added Defendants.

4. List the Suit itself for directions on 19th March 2018.

**(G. S. PATEL, J)**