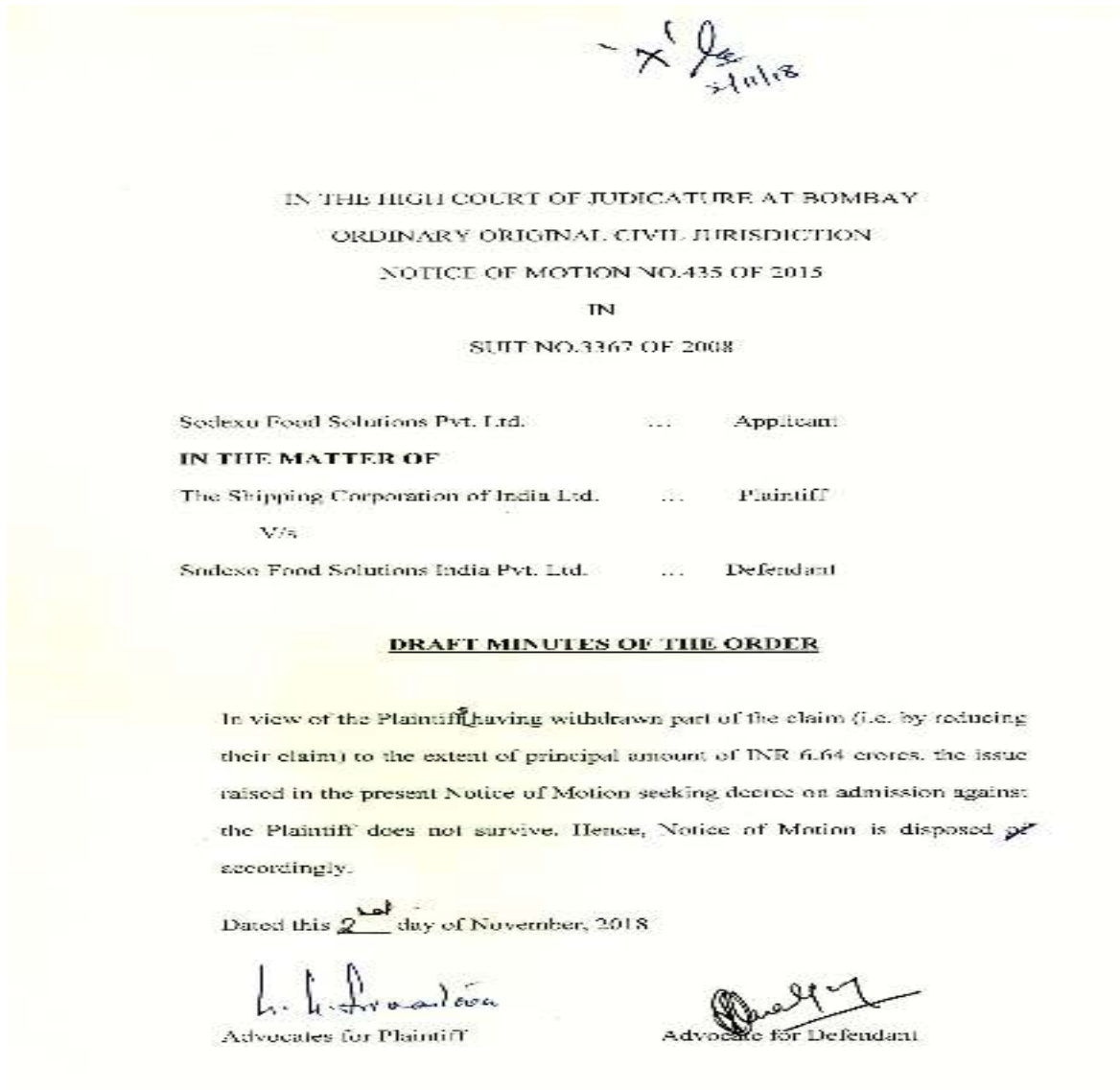


Gauri Gaekwad

order is reproduced hereunder :



3 Notice of motion accordingly stands disposed.

SUIT NO.3367 OF 2008

1 It is plaintiffs' case that plaintiffs have recovered a sum of Rs.6.64 Crores from ONGC Limited and therefore, seeks leave to reduce an amount of Rs.6.64 Crores from the principal amount claimed as due and payable from defendants and accordingly amend

the plaint. Plaintiffs also seek leave under Order II Rule 2 of the Code of Civil Procedure, 1908 to commence fresh proceedings against defendants should there be an order against plaintiffs to return the amount of Rs.6.64 Crores to ONGC Limited.

2 Plaintiffs and defendants have tendered draft minutes of the order dated 2nd November 2018. The same is taken on record and marked "X-1" for identification. Order in terms of the minutes of order. For ease of reference, a scanned copy of minutes of order is reproduced hereunder :

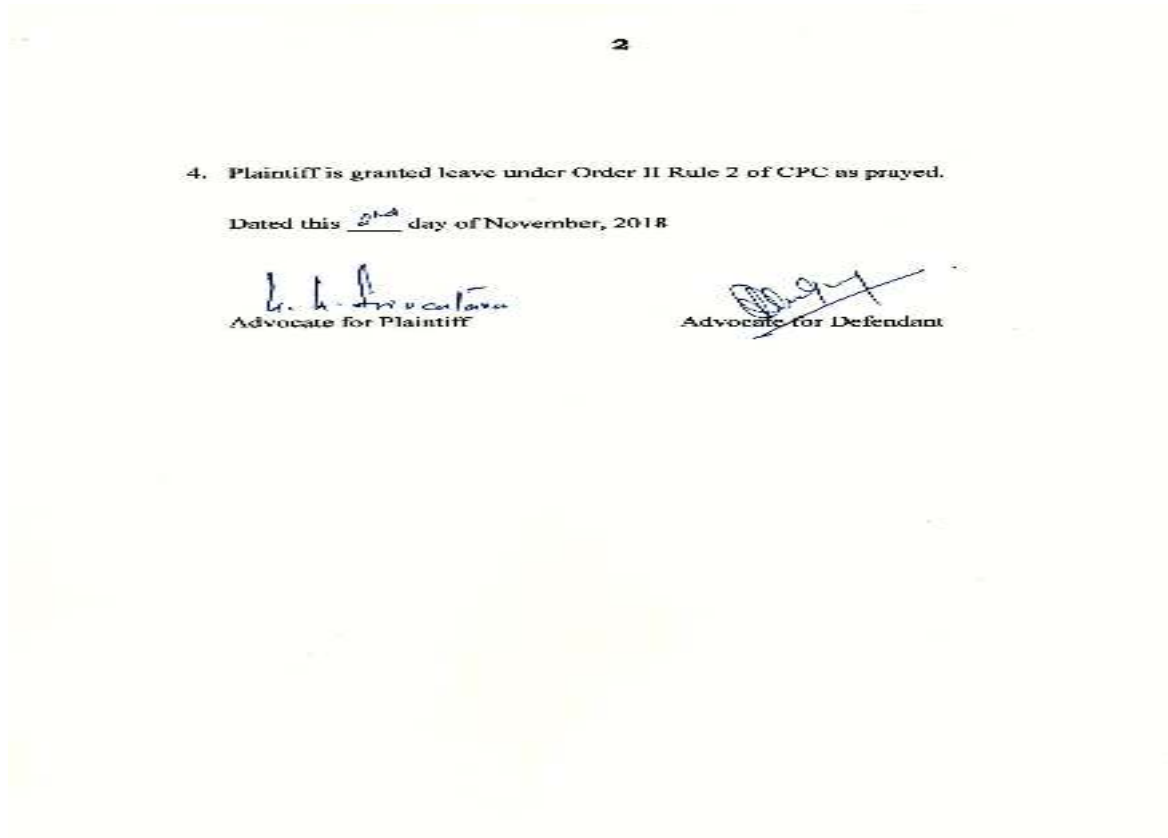
1 X-1 2/11/18

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.3367 OF 2008**

The Shipping Corporation of India Ltd. ... Plaintiff
V/s
Sudexo Food Solutions India Pvt. Ltd. ... Defendant

DRAFT MINUTES OF THE ORDER

1. Plaintiff has, through Capt. Rajesh Kumar, Deputy General Manager, filed an Affidavit dated 11th September, 2018, *inter alia*, pointing out that the Plaintiff has recovered approximately a sum of Rs.6.64 crores from ONGC Limited, for ONGC owned vessels under cost plus arrangement. Plaintiff has, therefore, sought leave to amend the Particulars of Claim [Exhibit 'C' to the Plaint], i.e., to deduct an amount of Rs.6.64 crores from the principal amount claimed as due and payable from Defendant.
2. Plaintiff, however, seeks leave under Order II Rule 2 of the Code of Civil Procedure, 1908 (CPC) to the effect that in the event of ONGC Limited making any claim with regard to the aforesaid amounts deducted from the Suit claim, Plaintiff be allowed to initiate appropriate proceedings against Defendant for recovery of such amounts.
3. In the aforesaid background, Plaintiff is allowed to amend the Plaint, reduce its claim for principal amount due by the amount of Rs.6.64 crores.



3 Amendment to be carried out and copy of the amended
plaint to be served within three weeks from today.

4 Stand over to 21st November 2018 for directions.

CHAMBER SUMMONS NO.1539 OF 2015

1 Mr. Sancheti states that this chamber summons does not
survive.

2 Chamber summons accordingly stands disposed.

(K.R. SHRIRAM, J.)