

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

**CHAMBER SUMMONS NO.1804 OF 2016
IN
SUIT NO.581 OF 2015
WITH
NOTICE OF MOTION NO.1148 OF 2015
WITH
NOTICE OF MOTION NO.1758 OF 2015**

Mahendra Balbhadra Thakkar	...	Applicant/Plaintiff
Versus		
M/s Swastik Industries And Others	...	Respondents/Defendants

Mr. Mehul A. Shah for the Applicant/Plaintiff in Chamber Summons No.1804 of 2016.
Mr. Nilesh Tated I/b DSK Legal for Defendant Nos.1 and 2.

CORAM : S.C. GUPTE, J.

DATE : 21 SEPTEMBER 2018

P.C. :

Chamber Summons No.1804 of 2016

. This Chamber Summons seeks amendment of the plaint by deleting the deceased Defendant No.3, who was arraigned as party defendant as partner of Defendant No.1 firm. The chamber summons also seeks addition of the Respondent as party defendant in his capacity as a new partner of Defendant No.1. The chamber summons is allowed in terms of prayer clause-(a). Amendment to be carried out within two weeks. After the amendment is carried out, Notice of Motion No.1148 of 2015 may be

taken up for hearing, since the preliminary issue earlier framed does not survive after the amending Act of XVIII of 2018. Notice of Motion to come up for hearing on 16 October 2018.

Notice of Motion No.1758 of 2015

2 This Notice of Motion seeks directions in respect of evidence to be led by the parties at the hearing of the preliminary issue. Since the preliminary issue itself does not survive any more, as noted above, the notice of motion is infructuous and is disposed of as such. All contentions of the parties in the notice of motion are kept open to be raised and debated at the trial of the Suit.

(S.C. GUPTE, J.)