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

**CHAMBER SUMMONS NO.125 OF 2018
IN
SUIT NO.3502 OF 2007.**

Padmavati Developers ... Applicant.

In the matter between

Padmavati Developers ... Plaintiff.

V/s.

Azim Kasam Mansoori and
anr ... Defendants.

None for the applicant.

Mr. P. V. Bhagat, for defendants.

CORAM : N. J. JAMADAR, J.

DATE : 19th November, 2019.

PC. :

1] None present for the applicant/plaintiff.

2] Heard the learned counsel for the defendants.

3] The learned counsel for the defendants states that the defendants principally object to the proposed amendment to incorporate the averments made in paragraph No.8(K) and 8(L). The averments made in paragraph No.8(K) and 8(L) pertain to the alleged dilapidated nature of the suit premises and the unauthorized construction allegedly erected by the

defendant Nos. 1 to 3 and the consequent action initiated by the Municipal Corporation in that regard.

4] The suit has been instituted for specific performance of the contract contained in Memorandum of Understanding dated 12th July 2003, the development agreement dated 23rd August, 2003 and agreement dated 26th August, 2005.

5] Learned counsel for defendants submits that the averments proposed to be incorporated in paragraph 8(K) and 8(L) are not relevant and necessary to decide the suit. The learned counsel for the defendants has no objection for rest of the amendment and seeks liberty to file additional written statement to traverse the contents of the proposed amendment.

6] In view of the above, the Chamber Summons is allowed. The plaintiff to carry out amendment in the plaint so as to incorporate the contents as proposed in the schedule, except contents in paragraph No.8(K) and 8(L), within three weeks from today and shall serve copy of amended plaint on the defendants within a week thereafter.

7] The Defendants are at liberty to file additional written statement, within four weeks from the service of amended plaint.

8] Stand over 11.02.2020.

[N. J. JAMADAR, J.]