

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

CHAMBER SUMMONS NO.241 OF 2019

IN

COMMERCIAL SUIT NO.109 OF 2019

Bee Ess Realtors	)....Applicant/Plaintiff
V/s.	
Anand Ramchandra Nerurkar	)....Defendant
And	
Aanandvardhan Developers LLP	)....Respondent

Ms.Mallika Taly a/w Ms.Aditi Palnitkar I/by S. Mohomedbhai and Co.
for the applicant/plaintiff.

Mr.Kunal Damle I/by Juilee J.Ghadge for defendant/applicant in
NMCDL 1050 of 2019.

Mr.Gouresh Mogre I/by Swati Diwakar Sawant for respondent in
Chamber summons.

CORAM : K.R.SHRIRAM,J

DATE : 25.4.2019

P.C.:-

1. This Chamber summons is for leave to amend the plaint and the Notice of Motion, without prejudice to pending Notice of Motion No.294 of 2019.

2. Mr.Damle appearing for defendant and Mr.Mogre for respondent state, without prejudice to the rights and contentions of

defendant and respondent and keeping open their defence including limitation, jurisdiction etc. amendment can be allowed.

3. Mr.Damle for defendant states that there is a pending Notice of Motion (L) No.1050 of 2019 to condone delay of 44 days beyond the 30 days period prescribed under Order 8 Rule 1 of the Code of Civil Procedure, 1908 and take the written statement on record. Ms.Taly for applicant/plaintiff has no objection if the reliefs sought in this Notice of Motion is granted.

Notice of Motion therefore taken up for hearing and is accordingly allowed.

4. In the circumstances, keeping open the rights and contentions of defendant and respondent (newly added defendant) including on the issue of jurisdiction and limitation, Chamber summons is allowed in terms of prayer clauses-(a) and (b) except the bracketed portion in red ink. No consequential amendments are permitted.

5. Amendment to be carried out and amended plaint to be served within 4 weeks from today. Registry to take on file written statement of defendant declared on 5.4.2019. Additional written

statement/written statement to be filed within 30 days of receiving the amended plaint. Mr.Mogre for newly added defendant waives service of the writ of summons.

Chamber summons accordingly disposed.

6. In view of this order, Notice of Motion (L) No.1050 of 2019 also stands disposed.

(K.R.SHRIRAM,J)