

Amk

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

**CHAMBER SUMMONS NO. 352 OF 2019
IN
SUIT NO. 164 OF 2017**

Dr. Aliasagar Jawadwala & Ors. .. Plaintiffs
Vs.
Abadi (Bomi) Kershasp Dadachanji & Anr. .. Defendants

Mr. Sajid Shamim a/w. Mr. M. Salewal I/b Shamim and Co. for the Plaintiffs.
Mr. Piyush Raheja I/b Rucha Jograheja for Defendant No.1.
Ms. Annie Fernandes for Defendant No.2.

CORAM : K. R. SHRIRAM, J.
DATE : 3rd MAY, 2019.

P. C. :

1. Shri Shamim states that inadvertently there are some typographical errors in the Schedule annexed to the Chamber Summons and also wrong documents have been annexed to the Schedule as proposed Exhibit I. Mr. Shamim tenders correct document that should have been Exhibit I. The said document is taken on record and marked 'X' for identification.
2. Leave to amend granted. Amendment to be carried out forthwith.
3. This Chamber Summons is for leave to amend the plaint. Admittedly, it is a pre-trial amendment. Mr. Raheja appearing for Defendant No.1 and Ms. Fernandes appearing for Defendant No.2 state that since it is pre-trial amendment, the Court may allow the amendment keeping open the rights and contentions of the Defendants to be raised in the further written

statement.

4. Therefore, keeping open the rights and contentions of the Defendants, the Chamber Summons is allowed in terms of prayer clause (a) except item (IV) in the Schedule which is bracketed in red ink.

5. Plaint to be amended and amended plaint to be served within two weeks. Additional written statement to be filed within four weeks after receiving the amended plaint.

6. Suit to be listed for direction on 28.06.2019.

[K. R. SHRIRAM, J.]