

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

NOTICE OF MOTION NO. 791 OF 2019
IN
SUIT NO. 1537 OF 2012

The Royal Bank of Scotland Plc. ..Applicant/Org. Defendant

In the matter between

ABN AMRO Bank
Mumbai Pensioner's Association & Anr. ..Plaintiff.

v/s.

The Royal Bank of Scotland Plc. ..Defendant/s

Mr. Rohaan Cama, Counsel a/w. Mr. Aditya Bhat I/b. Sanjay Udeshi
& Co. for the Plaintiffs.
Mr. Snehal Shah a/w. Mr. Mikhail Behl I/b. Kanga & Co. for the
Defendant.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 20th MARCH, 2019.**

P.C.

1. This Notice of Motion is filed by the defendant seeking to direct the plaintiff to amend the plaint to place on record details of the members of the Plaintiff Association who have availed of encashment option offered by the defendant from time to time.

2. During the pendency of the suit, the defendant Bank has entered into a settlement, with some of the ex-employees. The details of such settlement including the names of the ex-employees with whom they have entered into settlement would be within the knowledge of the defendant bank. The defendant Bank has not sought to amend the written statement to bring on record the details of such settlement, but has sought to direct the plaintiff to amend the plaint and disclose the names of the members who have availed encashment option by the Bank. Suffice it to say that the plaintiff cannot be directed to amend the plaint at the instance of the defendant.

3. The learned Counsel for the defendant claims that in the amended pleadings in para 10(c) of the plaint the plaintiff has admitted that some of the members of the plaintiff Association have accepted the offer of encashment and have received the dues offered by the defendant bank. The said averments were made in the year 2013. The defendants had chosen not to file their additional written statement or seek interrogatories and/or discovery of documents in accordance with the procedure. Furthermore, subsequent to the

amendment, the evidence of both the parties has been recorded and the suit is now at the stage of final hearing. Under the circumstances, the defendant now cannot compel the plaintiff to disclose the details, which otherwise are within its knowledge.

4. The Notice of Motion has no merits and is accordingly dismissed. List the suit for final hearing on 18th April, 2019.

(ANUJA PRABHUDESSAI, J.)