

Nos.1 and 3 have stated before me that without prejudice to any of their rights and contentions including on the issue of limitation, the Chamber Summons can be allowed. In these circumstances, the Chamber Summons is allowed in terms of prayer clause (a) which reads thus -

“(a) The applicant/plaintiff be permitted without prejudice to the pending Notice of Motion No. 914 of 2013 to amend the plaint as per the schedule annexed hereto and to carry out all incidental and consequential amendments thereto.”.

3 The condition precedent for allowing the Chamber Summons is that the applicant/plaintiff shall pay the costs of Rs.25,000/- to the Tata Memorial Hospital, Mumbai within a period of two weeks from today and file a receipt of such payment on the record of this Court. Needless to clarify that if the costs are not paid within time, the Chamber Summons shall stand dismissed without further reference to the Court. Once the costs are paid, the applicant/plaintiff shall carry out the amendment within a period of two weeks thereafter and serve a copy of the amended plaint on all the defendants. All the defendants are entitled to file their additional Written Statement, if any, within a period of six weeks from the date of service of the amended plaint.

4 It is made expressly clear that this order is passed without prejudice to all the rights and contentions of all the defendants including the issue of limitation. All contentions shall be examined on their own merits and in accordance with law uninfluenced by this order. The Chamber Summons is disposed of in the aforesaid terms.

5 List Notice of Motion No. 914 of 2013 on 23rd September, 2019.

(B.P.COLABAWALLA, J.)