

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

CHAMBER SUMMONS.74 OF 2017

IN

COMM. SUIT NO.111 OF 2017

Anirudh Sudarshan Tapuriah & Ors.	)....Applicants/Plaintiffs
V/s.	
Sushil Tapuriah & Ors.	)....Defendants
And	
Priti S.Gandhi & Anr.	)....Respondents

Mr.Kirti Munshi a/w Mr.Kiran Jain and Ms.Amruta Thakur I/by Kiran Jain and Co. for plaintiffs/applicants.

Mr.Shashank N.Fadia for defendant no.8.

Mr.Nikhil Ghati I/by Siddhesh Bhole for respondent nos.1 & 2

Mr.Abhishek Adke a/w Mr.Pranav Shah for respondent no.3.

CORAM : K.R.SHRIRAM,J

DATE : 28.1.2019

P.C.:-

1. Heard the counsel.

2. This Chamber summons is for leave to amend the plaint as per the schedule annexed to the Chamber summons.

3. Mr.Adke for respondent no.3 states that he need not be made a party and that would also result in society saving cost. Counsel

however states that society will abide by the orders of the court. Mr.Ghati for respondent nos.1 & 2 states that Chamber summons could be allowed keeping open rights and contentions of respondent nos.1 & 2 including to raise issue of jurisdiction, limitation etc.

4. Mr.Munshi for the applicants states in view of the statement made by Mr.Adke for respondent no.3 as recorded above, respondent no.3 need not be added as party defendant and the portions which are marked in red in the schedule be excluded from the amendment allowed.

5. In the circumstances, the Chamber summons is allowed in terms of schedule annexed to the Chamber summons excluding the portions bracketed in red ink. No consequential amendment in the body of the plaint is permissible. All rights and contentions of the defendants including newly added defendants are kept open.

Amendment to be carried out and amended plaint to be served within two weeks from today. Mr.Ghati for respondent nos.1 & 2 waives service of the writ of summons. Written statement to be filed and copy served within 30 days of receiving the amended plaint. No extension will be granted.

6. Suit against defendant nos.1 to 7 and 9 has already been transferred to the list of undefended suit by an order dated 1.8.2017 passed by the Prothonotary & Senior Master, High Court, Bombay. The only contesting defendant is therefore, defendant no.8 and newly added defendant nos.10 & 11.

7. Suit be listed for issues on 27.3.2019 on which date parties to come with agreed draft issues and a separate list of issues on which they are unable to agree. Parties are also put to notice that if they do not come with issues as directed, they will be put to terms.

(K.R.SHRIRAM,J)