

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

CHAMBER SUMMONS.537 OF 2018

IN

COMMERCIAL SUIT NO.17OF 2018

TrioFab (India) Private Limited	)....Applicant/Plaintiff
V/s.	
Federal Bank Limited	)....Defendant
And	
Francis John Kattukaran & Anr.	)....Proposed Plaintiffs

Mr.Aditya Pimple a/w Mr.T.N.Tripathi and Ms.Kalyani Wagle I/by
T.N.Tripathi and Co. for for plaintiff/applicant.
Mr.Rohit Gupta a/w Ms.Durga S.Soni I/by Vivek S.Sawant for
defendant.

**CORAM : K.R.SHRIRAM,J
DATE : 28.1.2019**

P.C.:-

1. Mr.Gupta for defendant at the outset, states that plaintiff is attempting to join two separate causes of action and for that he has to first of all pay additional court fees. Mr.Gupta adds that keeping open the rights and contentions of defendants to raise all objections including mis-joinder of causes of action, the amendment application may be allowed and defendants will raise all objections including limitation etc. in the written statement which is yet to be filed.

2. Keeping open rights and contentions of the parties, Chamber summons allowed in terms of prayer clauses-(a) and (b) except VI in the schedule which is bracketed in red ink.

3. So far as court fees is concerned, once the plaint is amended, the same to be placed before the Taxing Master to determine and file a report within 4 weeks as to whether court fees of Rs.3 lakhs paid is enough.

4. Amendment to be carried out and amended plaint to be served within two weeks. Written statement to be filed within 30 days of receiving the amended plaint.

5. Suit be listed for issues on 18.3.2019.

(K.R.SHRIRAM,J)