

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

**NOTICE OF MOTION NO. 1235 OF 2019
IN
SUIT NO. 334 OF 1982
WITH
CHAMBER SUMMONS NO. 737 OF 2019**

Gaurang Vinodchandra Merchant & Ors. ... Applicants/Plaintiffs
Versus
Madhliso And Co. Pvt. Ltd. & Ors. ... Defendants

Mr. Gaurav Mehta a/w Mr. Advait Sethna, Ms. Yashoda Desai i/b M/s. Shiralkar & Co. for the Plaintiffs.
Mr. M.M. Vashi , Sr. Advocate i/b M.P. Vashi and Associates for Defendant Nos.4 and 5.

CORAM : R.I. CHAGLA, J.

DATED : 28th JUNE, 2019.

P.C. :

1 The learned Counsel for the Applicants (Original Plaintiffs) states that Chamber Summons No.737 of 2019 has been taken out by the Applicants for impleadment of Defendant No.8 as party Defendant in the above Suit since the Defendant No.4 has expired and for amendment of the plaint and proceeding in the above Suit to be allowed in terms of the schedule annexed to the Chamber Summons.

2 The Chamber Summons No.737 of 2019 is not on board but is taken up upon the joint application of the parties and considering that the learned Counsel for the Defendants have no objection to the grant of the Chamber Summons.

3 Accordingly, the Chamber Summons No.737 of 2019 is allowed in terms of prayer clause (a).

4 The amendment shall be carried out within a period of three days from the date of this order.

5 At this stage, the learned Counsel for the Applicants tenders draft amendment in the Notice of Motion for adding 'Defendant No.8' who is allowed to be made a party in the above Suit, in the title of the Notice of Motion. Accordingly, the amendment is permitted and add the words and figures 'Defendant No.8' shall be after the words and figures 'Defendant Nos.1, 4 and 7 in prayer clause (a) of the Notice of Motion. The amendment shall be reflected in the Notice of Motion which shall be done forthwith.

6 The learned Senior Counsel appearing for Defendant Nos.1, 4 and 7 and now 8 waives service on behalf of Defendant No.8.

7 The statement of the Defendants made on 15.03.2019 which
was continued till 28.06.2019, shall be further continued till 08.07.2019.

8 The Plaintiff shall re-verify the Suit as well as Notice of Motion
by 04.07.2019.

9 The Notice of Motion be placed on 05.07.2019.

(R.I. CHAGLA, J.)