

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS No. 725 of 2017

IN

SUIT No.611 of 2013.

Godrej & Boyce Manufacturing Co.Ltd. ..Applicant.

In the matter between :-

Godrej & Boyce Manufacturing Co.Ltd. ..Plaintiff.

Vs

Electropath Services India Pvt. Ltd. ..Defendant.

Mr. Shanay Shah I/by Bachubhai Munim &
Co.,Advocates for the Plaintiff.

Mr. Amey Deshpande I/by Vikas Shiverkar, Advocate for
Defendant.

CORAM : B. P. COLABAWALLA, J.

DATED :- 16TH JANUARY, 2019.

P.C. :

1) This Chamber Summons has been filed by Plaintiff seeking an amendment of the plaint in terms of the Schedule annexed thereto.

2) It is not in dispute that the trial of the Suit has not yet commenced as contemplated under the proviso to Order VI

Rule 17 of the Code of Civil Procedure, 1908. I have also gone through the Schedule annexed to the Chamber Summons and I do not think that the amendment in any way substantially alters the nature of the claim or materially alters the cause of action in the suit. This being the case, the chamber summons is allowed in terms of the prayer clause (a) which reads thus :-

(a) That this Court be pleased to allow the Plaintiff to amend the Plaint in terms of the Schedule annexed hereto;

3) The amendment to be carried out within a period of two weeks from today and a copy of the amended plaint shall be served on the Advocates for the defendant within a period of two weeks thereafter. The defendant shall be at liberty to file its additional written statement within a period of 12 weeks from the date of service of the amended copy of the plaint.

4) Chamber summons is disposed of in the aforesaid terms. No order as to costs.

(B.P. COLABAWALLA, J.)