

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

CHAMBER SUMMONS NO.991 OF 2019
IN
COMMERCIAL IP NO.25 OF 2008

Ashwin Sawani S/o. Late Maganlal Savani & Anr.	...Applicants / Plaintiffs
V/S.	
M/s. Seven Art Pictures & Ors.	...Defendants
AND	
Shrestha Madan Mohla & Ors.	...Respondents

Mr. Manish Doshi i/b. Vimadalal & Co. for Applicants / Plaintiffs.
Mr. Sumit Raghani i/b. PDS Legal for Defendant Nos.4 to 5.

CORAM : B. P. COLABAWALLA, J.
DATED : 20th SEPTEMBER, 2019.

P.C.

1. This Chamber Summons has been filed by the Applicants / Plaintiffs seeking amendment of the plaint in terms of the schedule annexed thereto. The amendment is necessitated, in view of the fact that the proprietor of Defendant No.1 had expired on 21.09.2018. It has, however, been brought to my notice by the learned Advocate appearing

on behalf of the Plaintiffs that this information was supplied to the Plaintiffs by the Advocates for Defendant No.1 vide their letter dated 17.06.2019 and which was received by the Advocates for the Plaintiffs only on 18.06.2019. The present Chamber Summons has been filed on 21.08.2019 which is within time.

2. Having heard the learned Counsel for the Plaintiffs, and perusing the Affidavit-in-support of the Chamber Summons, I believe that the case is made out for granting the amendment. In these circumstances, the Chamber Summons is allowed in terms of prayer Clauses (a), (b) and (c) which read thus:

- a) That this Hon'ble Court may be pleased to condone delay, if any, in filing of present Chamber Summons;
- b) That this Hon'ble Court may be pleased to set aside the abatement, if any, of the present suit qua Defendant No.1 by bringing his legal heirs, viz Respondent Nos.1 to 3 on record as per schedule annexed to the Chamber Summons;
- c) That this Hon'ble Court be pleased to allow the Applicants / Plaintiffs to carry out amendments in terms of the schedule annexed hereto;

3. The amendment shall be carried out in the plaint within a period of two weeks from today and the amended copy of the plaint shall be served on all the Defendants including newly added Defendants within a period of four weeks thereafter. The Chamber Summons is accordingly disposed of. No order as to costs.

4. List the suit on board for directions on 07.11.2019.

(B. P. COLABAWALLA, J.)