

NOTICE OF MOTION NO.82 OF 2016
IN
COMMERCIAL SUIT NO.4 OF 2015
WITH
CHAMBER SUMMONS NO. 1485 OF 2018

In the matter between

Mr. H.S.Khakhawala I/nu Nankani Associates for the Plaintiff.
Mr.Asutosh Kaushik with Ryan Sherif I/by Manilal Kher Ambalal & Co for
Defendant No.3.

PC :

1. The Chamber Summons No.1485 of 2018 is filed by the applicant original plaintiff for seeking amendment in Commercial Suit No.4 of 2015 in terms of the schedule annexed to the chamber summons. In view of the consent terms filed by the plaintiff and defendant No.3 before the learned Arbitrator, the arbitral proceedings filed by Tata Capital Financial Services

Ltd. against the applicant herein does not survive.

2. The learned counsel for defendant No.3 states that in addition to the deletion proposed to be made in the chamber summons, various other paragraphs of the plaint are also required to be deleted by the applicant. He tenders statement of such additional paragraphs and prayed that the chamber summons should be directed to be amended and more particularly the schedule thereof. The learned counsel for the plaintiff has no objection to carry out the amendment in terms of the additional amendment tendered by the learned counsel for defendant No.3. Leave to amend to carry out the amendment in terms of the amendment tendered by defendant no.3 is granted. Amendment to be carried out within two weeks from today. Re-verification is dispensed with. Chamber summons is made absolute in terms of prayer clause (a). It is made clear that the amendment shall be carried out in terms of the original schedule duly amended. No order as to costs.

3. In view of the above order, the Chamber Summons NO.1486 of 2018 is disposed off. The defendant No.3 does not press the Notice of Motion No.82 of 2016. Statement is accepted. Notice of Motion No.82 of 2016 is dismissed as not pressed.

(R. D. DHANUKA, J.)