

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

CHAMBER SUMMONS NO.1286 OF 2018

**IN
SUIT NO.387 OF 2017**

Tata Motors Insurance Broking & Advisory)
Services Limited & Anr.)....Applicants/plaintiffs
V/s.
Arise India Foundation & Ors.)....Defendants

Mr.C.S.Balsara a/w Mr.H.N.Vakil and Mrs.Suzan Vakil I/by Mulla &
Mulla & Craigie Blunt & Caroe for plaintiffs/applicants.
Mr.Srinivas Bobde I/by Deepak Jamsandekar for defendant no.5.
Mr.Sharif Khan for defendant no.6.

CORAM : K.R.SHRIRAM,J

DATE : 9.1.2019

P.C.:-

1. By consent, this Chamber summons is taken up for hearing though the suit is listed today for issues. Except defendant no.5, nobody else have filed the reply opposing the Chamber summons. The suit is still at pre trial stage. Issues are yet to be framed. Considering the proposed amendments, plaintiffs are only seeking to increase the damages claimed from Rs.2 crores to Rs.100 crores. The cause of action as alleged in the paragraph-13 of the plaint arose on or about 20.3.2017. Therefore, prima facie, even the claim for increased amount is within limitation. Issue of limitation therefore, can be kept open to be raised in the written statement.

2. In the circumstances, keeping open the rights and contentions of the parties, Chamber summons is allowed. Leave to amend the plaint is granted in accordance with item (I) to (V) in schedule-I annexed to the Chamber summons. Item (VI) of schedule-I which is bracketed in red ink is not granted.

Amendment to be carried out and amended plaint to be served within two weeks from today.

Additional written statement to be filed within one week of receiving the amended plaint.

3. Mr.Balsara for plaintiffs/applicants states that defendant nos.1 to 4 & 6 have also been served with writ of summons and copy of the Chamber summons. Defendant nos.1 to 4 & 6 have not filed written statement, whereas only defendant no.5 has filed written statement. Therefore, time to file written statement/additional written statement granted upto and including 31.1.2019.

4. Stand over to 1.2.2019 for framing of issues on which date parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree.

(K.R.SHRIRAM,J)