

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 366 OF 2017**

**IN
SUIT NO. 2254 OF 2008**

Badamibai Mangilal Jain & Ors	...Plaintiffs
<i>Versus</i>	
Kola Bhaskar Naidu & Ors	...Defendants

Mr SS Kulkarni, *for the Plaintiff.*
Mr Amey Deshpande, *for Defendants No. 1 & 2.*
Mr Pradip Kadam, *for Defendant No. 3.*
Ms Uma Palsule-Desai, *AGP for State.*
Mr RY Sirsikar, *for MCGM.*

CORAM: G.S. PATEL, J
DATED: 1st February 2019

PC:-

1. The Plaintiffs seek an amendment of the plaint. Issues have not yet been framed. The trial has not yet begun.

2. The amendments, set out in the schedule to the Chamber Summons, lists some subsequent events. It is true that some of the paragraphs in the proposed amendment are not subsequent to the filing of the suit but they are a necessary part of the narrative that includes later events.

3. Having regard to these circumstances, and keeping open all contentions of the Defendants, including as to limitation, I will permit the amendment. Amendments are to be carried out within two weeks. A copy of the amended plaint will be served on the Advocates for the Defendants within one week thereafter. As no new parties are sought to be added, issuance of a fresh writ of summons is not required.

4. Those Defendants who have already filed written statements will be at liberty to file their respective additional written statement. This is to be done and a copy is to be served on all other sides on or before 8th March 2019. Those Defendants who have not filed their written statements will also file and serve their written statements to the amended plaint on or before 8th March 2019.

5. List the suit for framing issues on 15th March 2019. Both sides will keep ready their draft issues.

6. The Chamber Summons is disposed of in these terms. There will be no order as to costs.

(G. S. PATEL, J)