

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

**CHAMBER SUMMONS NO.1430 OF 2018**

**IN**

**SUIT NO.32 OF 2017**

Godrej Properties Limited )....Applicant

**IN THE MATTER BETWEEN :**

Godrej Vikhroli Properties India Ltd. )....Plaintiff

V/s.

Shramik Utkarsh Kamgar Sabha & Anr. )....Defendants

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Mr.Cyrus Bharucha a/w Ms.Madhulika Murthy and Ms.Shilpa Sengar  
I/by Vashi & Vashi for plaintiff.

Ms.Rita Yadav I/by Reeti Law Associates for defendant nos.1 & 2.

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**CORAM : K.R.SHRIRAM,J**

**DATE : 6.2.2019**

**P.C.:-**

**CHAMBER SUMMONS NO.1430 OF 2018**

1. This chamber summons is for leave to amend the plaint as per the schedule annexed thereto.

2. No affidavit in reply has been filed. For reasons mentioned in the affidavit in support and considering the nature and amendment

sought, keeping open all rights and contentions of defendants. Chamber summons is allowed. Amendment to be carried out and amended plaint to be served within two weeks.

3. Chamber summons accordingly stands disposed.

**SUIT NO.32 OF 2017**

4. Ms.Yadav seeks leave to file additional written statement to raise a defence as to the maintainability of the suit since plaintiff has ceased to exist. Such a written statement to be filed within two weeks of receiving the amended plaint.

5. Counsel state that court may frame an issue regarding the maintainability on the assumption that defendants will be filing further written statement, which if not filed, court may delete that issue later. I feel it is a fair suggestion.

6. Heard parties. The following issues arise in the matter.

**ISSUES**

*(1) Whether plaintiff proves notwithstanding the merger of original plaintiff into the present plaintiff, the suit still survives and does not abate ?*

*(2) Whether plaintiff proves that the public notices at Exh.A to C of the plaint were published by defendants with an*

*intention to cause harm to the reputation of Plaintiff and/or to cause financial loss to plaintiff ?*

*(3) If issue no.(2) is answered in the affirmative, whether plaintiff proves that plaintiff's reputation and goodwill has been lost ?*

*(4) If issue no.(2) is answered in the affirmative, whether plaintiff is entitled to an unconditional apology from defendants, as prayed in prayer clause-(b) ?*

*(5) If issue no.(2) is answered in the affirmative, whether plaintiff is entitled to a permanent injunction, as prayed in prayer clause-(c) ?*

*(6) Whether defendant proves that the contents of the notices at Exh.A to C of the plaint were only truthful statements and were made for the general public benefit without intending to defame plaintiff ?*

*(7) Whether plaintiff proves that plaintiff has suffered damages in the sum of Rs.500 crores and are entitled to a decree in the said sum against defendants ?*

*(8) What decree ? What order ?*

7. In view of the amendment to the plaint being granted, parties may file further affidavit of documents and give inspection of those documents within two weeks from today. Within one week thereafter, parties to exchange comprehensive statement of admission and denial with reasons for denial.

8. On or before 15.3.2019 plaintiff shall file list of witnesses, affidavit in lieu of examination in chief together with compilation of documents and serve a copy thereof upon defendants.

9. Stand over to 20.3.2019 for marking of documents/recording of evidence at which time plaintiff's witness shall remain present in Court.

**(K.R.SHRIRAM,J)**