

dik

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

**CHAMBER SUMMONS NO. 70 OF 2019
IN
SUIT NO. 684 OF 2013**

Deepak Shah	...Applicant/Plaintiff
VS	
Marvelous Builders Pvt. Ltd.	...Defendant
And	
M/s Gcon Tech Pvt. Ltd. & Ors.	...Respondents.

.....
Mr E.A.Sasi for the Applicant/Plaintiff.
Ms Swapna Roopvate I/b Tushar Goradia for the Respondents
.....

Dhanappa
I. Koshti
Digitally
signed by
Dhanappa I.
Koshti
Date:
2019.07.03
10:59:58
+0530

**CORAM : B. P. COLABAWALLA, J.
JULY 01, 2019.**

P.C. :

This Chamber Summons has been filed to permit the applicant/ plaintiff to make respondent Nos.1 to 8 as party - defendant Nos. 2 to 9 and further allow the applicant / plaintiff to carry out the amendments in the plaint as per the schedule of amendment annexed at Exh "K" to the affidavit in support of the Chamber summons. Learned advocate appearing on behalf of the applicant / plaintiff submitted that these amendments are necessary to bring certain subsequent events on record which have transpired after filing of the suit. It is in these circumstances that the amendment is sought.

2 Though, the defendants as well as the respondents have been duly served, only the original defendant and respondent Nos. 7 and 8 are represented by an advocate.

3 Considering that what is sought to be brought on record are the only subsequent events, the Chamber Summons is allowed in terms of prayer clauses (a), (b) and (c) which reads thus -

- “(a) This Hon'ble Court may be pleased to permit the plaintiff to make the respondent Nos. 1 to 8 as party defendant Nos.2 to 9 and further be pleased to allow the plaintiff to carry out the amendments in the plaint as per the schedule of amendment annexed as **Exhibit-K** hereto;
- (b) Consequential amendment be permitted to be carried out;
- (c) Delay in filing the present Chamber Summons, if any, be condoned.”

4 The plaintiff shall carry out the amendment within a period of two weeks from today and serve the amended copy of the plaint on all the defendants including the newly added defendants within a period of two weeks thereafter. Once the amended copy of the plaint and the entire proceedings is served on all the defendants, defendant No.1 shall be at liberty to file an additional written statement, if any, and the newly added defendants shall be entitled to

file their written statement to the plaint. This exercise shall be done by all the defendants within a period of six weeks from the date of service of the amended copy of the plaint.

5 The Chamber Summons is accordingly disposed of. No order as to costs.

6 It is made clear that I have not opined on merits of the amendment and neither should any of the defendants be taken to have admitted any statements and or allegations made by the plaintiff either in its affidavit-in-support or in the affidavit-in-rejoinder to the Chamber Summons.

(B.P.COLABAWALLA, J.)