

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

CHAMBER SUMMONS NO. 454 OF 2019

IN

SUIT NO. 3933 OF 1998

Durgaprasad Ramniwas Poddar

.. Applicant

In the matter between :

Durgaprasad Ramniwas Poddar

.. Plaintiff

Vs.

1. Smt. Shantidevi Sohanlal Jhuria

& ors.

.. Defendants

Mr. Suhas S. Deokar a/w. Mr. Shashank C. Mangale for plaintiff/applicant in CHS.

Mr. Farhan Dubash a/w. Ms. Harshal Manik and Mr. Praveer Shetty i/b Res Legal for defendant Nos.2(a) to 2(c).

Mr. Ajay Jhuria- defendant No.3 in S/3933/2019 present in-person.

Mr. Sagar Patil a/w. Mr. D.C. Shingade for MCGM.

CORAM : N.J. JAMADAR, J.

DATE : 28th JANUARY 2020

P.C.

1. Heard the learned counsels for the parties.

2. This chamber summons is taken out by the plaintiff for amending the plaint so as to delete defendant No.11-Union of India from the array of the defendants and also delete the averments in the plaint at paragraphs 35A, 35B, 35C, 35D, 41A and 41B and prayer clauses h(1) qua defendant No.11.

3. The plaintiff also proposes to delete defendant No.2(c) Smt. Saroj Saraogi, who died on 19th November 2018, from the cause-title of the plaint.

4. In view of the nature of the amendment, which seeks not to prosecute the suit against defendant No.11 and 2(c), and withdraw the allegations made against defendant No.11, the plaintiff can be permitted to amend the plaint, with the associated risk as to the costs and consequences of deletion of defendant No.11 and 2(c).

5. Hence, the chamber summons stands allowed in terms of prayer clause (a).

6. The plaintiff shall carry out the necessary amendment and serve a copy of the amended plaint to all the defendants within a period of three weeks.

7. The chamber summons stands disposed of.

[N.J. JAMADAR, J.]