

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1486 OF 2016
IN
SUIT NO. 224 OF 2010**

Kaustubh Construction Pvt. Ltd. ...Applicant

In the matter between

Kaustubh Construction Pvt. Ltd. ...Plaintiff

Versus

Jay yashwant Co-operative Housing Society
Ltd. ...Defendant

Mr. A. A. Singh, for the Plaintiffs/Applicant.

Mr. Ajit Singh, i/b APS Law Asso., for the Defendant.

CORAM: N. J. JAMADAR, J.

DATED : 27th JANUARY, 2020

PC:-

1. This Chamber Summons is taken out by the plaintiff seeking permission to amend the plaint so as to incorporate the subsequent events, which have transpired during the pendency of the suit. The plaintiff proposes to seek a declaration that the termination of Development Agreement, of which specific performance has been sought, by letter dated 24th February, 2016, is illegal and not binding upon the plaintiff and the original Development Agreement dated 19th July, 2007, is still valid, subsisting and binding upon the defendant and all its members.

2. The learned Counsel for the defendant – society submits that the society has no objection to permit the plaintiff to amend the plaint.

3. Even otherwise, the Court has to take cautious cognizance of the subsequent events, which transpire during the pendency of the suit. The proposed amendment also appears necessary for determining the real question in controversy between the parties.

4. Hence, the following order.

- (i) The Chamber Summons is made absolute in terms of prayer Clause (a).
- (ii) The plaintiff shall carry out necessary amendment in the plaint as proposed in the schedule appended to the Chamber Summons within three weeks from today and serve copy of the amended plaint on the defendant.
- (iii) The defendant is at liberty to file an additional written statement to the amended plaint within four weeks of being served with the copy of the amended plaint.

5. The Chamber Summons stands disposed of.

6. Suit be listed on 23rd March, 2020.

[N. J. JAMADAR, J.]