

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

CHAMBER SUMMONS NO.1056 OF 2019
IN
COMPANY PETITION NO.77 OF 2017

Bharatiya Vidya Bhavan & Ors.)....Applicants

IN THE MATTER BETWEEN :

Bharatiya Vidya Bhavan & Ors.)....Plaintiffs

V/s.

Prominent Educational Society & Ors.)....Defendants

Mr.Abhishek Bhadang a/w Ms.Divya Shetty i/by Nankani Associates
for plaintiffs/applicants.

Mr.Vinod Bhagat a/w Ms.Ruchi Agarwal i/by G.Hegde and V.Bhagat
for defendant nos.1, 2 3 & 7.

CORAM : K.R.SHRIRAM,J

DATE : 13.3.2020

P.C. :-

1. Heard the counsel. This is a Chamber summons for leave to amend the plaint as per the schedule annexed to the plaint. No affidavit-in-reply is filed though served almost 4 months ago. I am told even the written statement has not been filed.

2. The Court Sheristedar, however, says that on record are the written statements of defendant nos.1, 2, 3 & 7 which are under

objection. Mr.Bhadang for applicants states he has not been served with copy and Mr.Bhagat for defendant nos.1, 2 3 & 7 is also unaware of any written statement being filed.

3. Chamber summons allowed in terms of prayer clause-(a) except item-III in the Schedule which is bracketed in red ink. Amendment to be carried out and amended plaint to be served within one week.

4. Defendant nos.1, 2, 3 & 7 to file additional written statements within two weeks thereafter.

5. So far as the defendant nos.4, 5, 6 & 7 are concerned, Mr.Bhadang states his instructions are that written statements have not been filed and writ of summons have been served long time ago and 120 days period would have expired long ago. If that is so, these defendants have forfeited their right to file written statement.

6. In the meanwhile, by 3.4.2020 parties shall give inspection of their respective documents and when I say parties, it means plaintiffs and those defendants who have filed written statements. If inspection is not given, such party will not be permitted to rely on such document. This would, however, not prevent a party from confronting the witness of the other party with any document.

By 9.4.2020 statement of admission and denial with reasons for denial to be exchanged. If the statement of admission and denial is not given, parties shall be deemed to have admitted the existence of all the documents of the other side.

7. Stand over to 16.4.2020 for issues at which time parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree. On the next date, if parties do not come with draft issues, they are put to notice that parties will be put to terms.

(K.R.SHRIRAM,J)