

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

INTERIM APPLICATION NO.1904 OF 2020
IN
COMMERCIAL SUMMARY SUIT NO.700 OF 2019

Dr. Mansukh Unadkat .. Applicant-Plaintiff

Vs.

Kohinoor Cargo and Industrial Park Pvt. Ltd. & Anr. .. Defendants

Ms. Bharati Narichania, with Mr. Vinayak Narichania, i/by Vibha Juris Consult Co., for the Applicant-Plaintiff.

None for the Defendants.

CORAM : A. K. MENON, J.

DATE : 7TH SEPTEMBER 2021.

P.C. :

1. This IA seeks leave to amend the plaint pursuant to instructions. The prior orders record that the summons have been served upon the defendants. Affidavit-of-service is on record. Yet, defendant no.1 has not appeared.

2. This court, by order dated 17th January 2020, has recorded that the summons as against defendant no.2 is declared to be duly served. The plaintiff was directed to file affidavit-in-support of the claim. Learned counsel for the applicant-plaintiff states that all documents have already been filed. Since the Suit is to proceed ex-parte, learned counsel for the applicant-plaintiff submits that the amendment may be allowed.

3. In view thereof, I pass the following order :-

- (i) IA is made absolute in terms of prayer clauses (a) and (b).
- (ii) Amendment to be carried out within a period of two weeks from today.
- (iii) Liberty to apply.

(A.K. MENON, J.)