

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

INTERIM APPLICATION NO.2374 OF 2020
IN
COMMERCIAL SUIT NO.331 OF 2016

MVR-GL Joint Venture

...Plaintiff

vs.

Mumbai Metropolitan Region Development
Authority

...Defendant

V. S.
Parekar

Ms. Sumi Soman i/b. Praxis Legal, for the Plaintiff
Mr. Saket Mone i/b. Vidhi Partners, for the Defendant

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CORAM : N. J. JAMADAR, J.
DATE : FEBRUARY 12, 2021

P.C.:

Interim Application No.2374 of 2020 :-

. This is an application for amending the Plaint. The Plaintiff seeks to amend the prayer clause so as to add the claim as regards the GST @ 12% p.a., in addition to the claim amount alongwith further interest @ 18% p.a.

2. By an order dated 8th February, 2017 the suit was directed to be transferred to the list of Undefended Suits.

3. The proposed amendment will not change the nature of the suit. The addition of the prayer in any event will not cause prejudice to the Defendant even if the Defendant is permitted to defend the suit at a later point of time.

4. Hence, the application stands allowed in terms of prayer clause (a) and (b).
5. Amendment be carried out within a period of two weeks.
6. Interim Application stands disposed of.

Commercial Suit No. 331 of 2016:-

7. The learned counsel for Defendant submit that Defendant has taken out the Interim Application No. 185 of 2019 to set aside the aforesaid order passed by the Prothonotary & Sr. Master to transfer the suit to the list of Un defended Suits.
8. Copy of the Interim Application is served on the counsel for the Plaintiff.
9. The learned counsel for the Plaintiff seeks time to file affidavit in reply to the Interim Application.
10. Three weeks time is granted to the Plaintiff to file affidavit in reply to the Interim Application.
11. List on 5th March, 2021.

(N. J. JAMADAR, J.)