

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

INTERIM APPLICATION NO.237 OF 2019

IN

THIRD PARTY NOTICE NO. 9 OF 2014

IN

SUIT NO.173 OF 2014

National Spot Exchange Limited .. Applicant/Defendant no.2

In the matter between

Modern India Ltd. & Ors. .. Plaintiffs

v/s.

Financial Technologies (India) Limited & Ors. .. Defendants

AND

Aastha Minmet India Pvt. Ltd. & Ors. .. Third Party Noticees

Mr. Shlok Parekh i/b. Vaish Associates for the applicant.

Ms. Namita Shetty i/b. Cyril Amarchand Mangaldas for defendant no.1.

Ms. Hetal Prajapati for defendant no.12.

Mr. Pravin Gaikwad for Third Party no.1.

CORAM : A. K. MENON, J.

DATED : 21ST JANUARY, 2021.

P.C. :

1. The learned counsel for the applicant submits that the applicant seeks to amend the Third Party Notice in terms of the schedule appearing at Exhibit 'E'. Considering the fact that this is a formal

amendment to enhance the amount claimed, it is unlikely to affect the merits of the defence. If the respondent/third party noticee seeks to enhance the claim from the third party noticee, the third party can be permitted to file additional affidavits if they so desire. In the circumstances, I am of the view that the IA can be allowed.

2. In view thereof, I pass the following order;

- (i) IA is made absolute in terms of prayer clause (a).
- (ii) Amendment to be carried out within four weeks from today.
- (iii) Third party noticees are at liberty to file affidavits in reply/ additional affidavits in reply, if replies are already filed, within a period of two weeks thereafter.
- (iv) IA is disposed in the above terms.

(A. K. MENON, J.)

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