

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

**INTERIM APPLICATION NO. 866 OF 2019
IN
SUIT NO. 1096 OF 2009
WITH
NOTICE OF MOTION NO. 31 OF 2014**

Byramjee Jeejeebhoy Pvt.Ltd. ...Plaintiff

vs.

Oshiwara Land Development Co.Pvt.Ltd. & Ors. ...Defendants

Mr.J.P. Sen, Senior Advocate with Daushit K. Jain i/b. Divya Jain for
Applicant/Plaintiff.

Ms.Priyanka Kothari with Yogesh Gaikwad and A. Syed i/b. Bilawala & Co.
for Defendant No.1.

Mr.Kunal Dwarkadas with Sidh Pamecha i/b. Kunal Bhanage for Defendant
Nos.5 and 6.

CORAM : S.C. GUPTE, J.

DATE : 1 APRIL 2021

P.C. :

Heard both learned Counsel for the parties.

2 Learned Counsel request the court to pass its operative order
without stating any reasons in support of the order.

3 Accordingly, the interim application is disposed of in terms of
the following order:

(i) The Plaintiff is permitted to amend the plaint in terms of
schedule of proposed amendment annexed as Exhibit-A to the

interim application. Amendment to be carried out within four weeks. The amended copy of the plaint to be served on the defendants.

(ii) It is made clear that the amendment is allowed subject to all objections of the Defendants concerning limitation as well as scandalous nature of some of the averments, which are sought to be introduced in the plaint by way of the amendment. All rights and contentions of the parties on merits in that behalf are kept open.

(iii) The Defendants to file their comprehensive written statement to the amended plaint within four weeks of service of the amended plaint.

(iv) Liberty to the Plaintiff to apply for other reliefs claimed in the interim application, that is to say, reliefs besides the prayer for amendment, by a separate application. The court is informed that some of these reliefs may already form part of Notice of Motion No.31/2014 pending before this court. Be that as it may, what this liberty means is that the Plaintiff is not forbidden from urging the grounds in the interim application or the reliefs sought in the interim application by reason of this court disposing of the interim application in terms of prayer clause (a).

(S.C. GUPTE, J.)