

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 253 OF 2022
IN
COUNTER CLAIM NO. 18 OF 2016
WITH
COMMERCIAL SUIT NO. 344 OF 2015

Vivek Madhavlal Pittie	...	Applicant
<u>In the matter between</u>		
Vivek Madhavlal Pittie	...	Plaintiff
vs.		
Manas Shelters Pvt. Ltd. & Ors.	...	Defendants in Counter Claim

Mr. Zal Andhyarujina a/w. Mr. Naushad Engineer, Mr. Arun Unnikrishnan and Mr. B. N. Shukla i/b. M/s. B. N. Shukla & Co. for the Applicant in Interim Application.

Mr. Rajendra Pai, Senior Advocate a/w. Mr. Aloukik Pai i/b Ms. Bina Pai for the Plaintiff.

CORAM : A. K. MENON, J.

DATED : 17th FEBRUARY, 2022

P.C. :

1. By this interim application the applicant seeks leave to amend the counter claim in terms of schedule A and seek consequential amendments. The interim application also seeks interim orders of deposit of monies including additional property taxes allegedly due.

2. At the hearing of this interim application which Mr. Pai opposes, parties are now agreed that interim prayers for deposit will not be pressed at this stage. On behalf of the plaintiff Mr. Pai submits he has no objection if amendment is allowed without prejudice to his rights and contentions and subject to the plaintiff's right to file an additional written statement to the amended Counter Claim. In view thereof I pass the following order :

- (i) Interim Application is made absolute in terms of prayer clause (a). Amendment to be carried out within two weeks .
- (ii) All defendants in the counter claim are at liberty to file written statement to the amended counter claim within four weeks after service of the amended Counter Claim.
- (iii) If the above amendment is carried out and after service of amended counter claim liberty to apply for interim relief, if so advised.
- (iv) Needless to mention the court has not examined the merits of amendment sought in Schedule A.

(A. K. MENON, J.)