

Sharayu Khot.

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

INTERIM APPLICATION NO. 567 OF 2022
IN
SUIT NO.177 OF 2021

Pandurang Sudam Kadam ...Plaintiff

Versus

Shiv Samruddhi Developers & Anr. ...Defendants

WITH
INTERIM APPLICATION NO. 609 OF 2022
IN
SUIT NO.131 OF 2021

Mahendra Murlidhar Kadam ...Plaintiff

Versus

Shiv Samruddhi Developers & Anr. ...Defendants

WITH
INTERIM APPLICATION NO. 608 OF 2022
IN
SUIT NO.318 OF 2020

Nandini Haldankar ...Plaintiff

Versus

Shiv Samruddhi Developers & Anr. ...Defendants

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WITH
INTERIM APPLICATION NO. 564 OF 2022
IN
SUIT NO.208 OF 2021

Ramesh Devji Savla

...Plaintiff

Versus

Shiv Samruddhi Developers & Anr.

...Defendants

WITH
INTERIM APPLICATION NO. 605 OF 2022
IN
SUIT NO.128 OF 2021

Ramratan Thakur Prasad Mishra

...Plaintiff

Versus

Shiv Samruddhi Developers & Anr.

...Defendants

Mr. Anuj Desai a/w Mr. Paras S. Gosar i/b. Jayesh Rs. Vyas for
Applicants/Plaintiffs.

CORAM : R.I. CHAGLA J

DATE : 04 July 2022

ORDER :

1. Heard learned Counsel for the Applicants/Plaintiffs.
2. By prior orders dated 11th April 2022 and 15th June 2022, this Court had noted that the above Interim Applications have been taken out by the Applicants/Plaintiffs for amendment of the respective Plaints as per schedule annexed to the Interim

Applications. It was stated by the learned Counsel appearing for the Plaintiffs that the amendment was required as the monetary claim had inadvertently not been made as a final prayer though the same is an interim prayer.

3. By the order dated 11th April 2022, learned Counsel for the Defendants had sought time to file Affidavits in Reply to the Interim Applications. The Defendants was permitted to file Affidavits in Reply.

4. In the subsequent order dated 15th June 2022, it was noted that the Defendants have not filed Affidavit in Reply to the Interim Application and none appeared. In paragraph 3 of the said order, it was recorded as and by way of last opportunity, the Defendants shall file Affidavits in Reply to the Interim Applications on or before 22nd June 2022 and in the event that the Defendants neither filed Replies nor making appearances on the next date, the Interim Applications for amendment shall be heard in their absence.

5. Today, the matters have been listed. None appears for the Defendants. They have not filed the Affidavits in Reply to the

Interim Applications. Accordingly, Interim Applications are heard in their absence.

6. Having considered the averments in the Interim Applications in particular paragraph 4 thereof, wherein it was stated that though the monetary claim was set out in the particulars of claim at Exh.N to the Plaint and claimed by way of *ad-interim* and *interim* reliefs, through oversight, same has not been incorporated as final relief in the Plaint.

7. A further averment is made in paragraph 5 of the Interim Applications, wherein it is stated that the Defendants have not filed the Replies to the Interim Applications taken out for *interim* relief or filed the Written Statements. The Suit has not yet commenced for hearing. Thus, the amendment sought for by the Plaintiffs is a pre-trial amendment.

8. In view thereof, I am inclined to grant the relief sought for in the Interim Applications. Hence the following order :-

- (i) The Applicants/Plaintiffs are permitted to amend the

Plaints as per the schedule annexed to the respective Interim Applications.

(ii) Amendment shall be carried out by the Applicants/Plaintiffs within a period of one week from today i.e. on or before 11th July 2022.

(iii) Re-verification is dispensed with.

(iv) All the above Interim Applications are accordingly disposed of in the above terms.

(v) There shall be no order as to costs.

[R.I. CHAGLA J.]