

jsn

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

INTERIM APPLICATION NO.835 OF 2022  
IN  
SUIT NO.164 OF 2021

Chandrabhan Motilal Gupta

...Applicant/  
Plaintiff

*Versus*

National Commodity and Derivatives ...Defendants  
Exchange Ltd. & Ors.

-----  
Anbrin Khan i/b. M/s. Y & A Legal Advocates for the Applicants /  
Plaintiffs.

Dhaval Patil with Prasad Bhabal i/b. M/s. K. Ashar & Co. for  
Defendant No.1.

-----  
CORAM : R.I. CHAGLA J

DATE : 10TH OCTOBER, 2022

ORDER :

1. Heard learned Counsel for parties.
2. By this Interim Application, the Applicants are seeking permission to amend Suit No.164 of 2021 and Interim Application (L) No.9176 of 2022 filed in the captioned Suit as per the schedule

annexed to the Interim Application with all other incidental and consequential amendments thereto.

3. The Applicants have stated that they have filed present Suit as bonafide purchaser of goods having paid entire purchase consideration over 8 years ago in a timely manner. There is consequent failure of the Applicants to receive the goods from the Defendants inspite of payment of entire consideration amount. The Applicants had issued a Writ of Summons in the present Suit and which was served on the Defendants through the bailiff at the addresses mentioned in the cause title of the Suit. However, the envelop contained the Writ of Summons and copies of the Plaint sent to the Defendant Nos.2 and 3 were returned due to the reason 'left'. Upon making inquiries, the Applicants learnt that Defendant No.2 had changed its name to 'National Commodities Management Service Limited' and shifted its registered office to D-164, TTC Industrial Area, Nerul, MIDC, Navi Mumbai 400 706 after filing of the Suit. The Applicants further learnt that Defendant No.3 had shifted its registered office to Office No.502, A-Wing, Orchid Business Park, Twin Arcade, Military Road, CST 380, 380/182, Marol, Andheri, Mumbai 400 059 after filing of the Suit.

4. The Applicant states that relevant extract of website of the Ministry of Corporate Affairs has been annexed to the Interim Application which shows the new address of Defendant Nos.2 and 3 and change in the name of Defendant No.1. Accordingly, the present Interim Application is filed.

5. The learned Advocate for the Defendant No.1 is not objecting to the relief sought for by the Applicant / Plaintiff and submits to the orders of this Court.

6. Having considered the averments as well as the nature of amendment sought in the schedule annexed to the Interim Application and which is only for change in name and address of the Defendant No.1 and the address of Defendant No.3, the relief sought for in the Interim Application required to be granted. Hence the following order:-

(i) The Applicant / Plaintiff is permitted to amend the Suit No.164 of 2021 and Interim Application (L) No.9176 of 2020 filed in the captioned Suit in accordance with the schedule annexed to the Interim Application and other incidental and consequential

amendments thereto in the body of the Complaint and in the Interim Application.

(ii) Amendment shall be carried out within a period of two weeks from the date of this Order.

(iii) Re-verification is dispensed with.

(iv) The Interim Application is disposed of in the above terms.

**[R.I. CHAGLA J.]**