

Sharayu Khot.

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

INTERIM APPLICATION NO. 575 OF 2020

IN

SUIT NO. 411 OF 2017

Ramesh Ratilal Choksey

...Applicant/
Plaintiff

Versus

Balaji Realtors & Developers & Ors.

...Defendants

WITH

INTERIM APPLICATION NO. 580 OF 2020

IN

SUIT NO. 397 OF 2017

Deven Ramesh Choksey

...Applicant/
Plaintiff

Versus

Balaji Realtors & Developers & Ors.

...Defendants

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Mr. Sandesh Shukla a/w Mr. Jayesh Ashar, Ms. Kejal Malkan, Mr. Harshwardhan Melanta i/by K. Ashar & Co. for the Applicants/Plaintiffs in both the IAs.

Mr. Rajiv Narula a/w Ms. Mehek Choudhary i/by Jhangiani Narula & Associates for the Defendant Nos. 1 and 2.

CORAM : R.I. CHAGLA J
DATE : 04 July 2022

ORDER :

1. Heard learned Counsel for the parties.
2. By these Interim Applications, the Applicants are seeking direction to amend the Plaints in Suit Nos. 411 of 2017 and 397 of 2017 as per schedule I annexed to Interim Applications. Further documents annexed at **Exh.A** to **Exh.H** to the Interim Applications be permitted to be annexed and marked **Exh.L** to **Exh.S** to the Plaints.
3. The amendment of the Complaint is a pre-trial amendment.
4. Mr. Narula, learned Counsel for the Defendants has no objection for the amendment. However, he states that this shall be without prejudice to the rights and contentions of the Defendants.
5. In view thereof, following order is passed :-
 - (i) The Applicants/Plaintiffs are permitted to amend the respective Complaints as per schedule I annexed to Interim

Applications. Documents annexed at **Exh.A** to **Exh.H** to the Interim Applications are permitted to be annexed and marked **Exh.L** to **Exh.S** to the Plaints.

- (ii) Amendment shall be carried out within a period of two weeks from the date of this order i.e. on or before 18th July 2022.
- (iii) Interim Applications are accordingly disposed of in the above terms.
- (iv) There shall be no order as to costs
- (v) Advocate for the Plaintiffs shall simultaneously serve the Defendants with the amended Plaint.
- (vi) The Defendants are permitted to file the Written Statements in the amended Suit Nos. 411 of 2017 and 397 of 2017 within a period of four weeks from being served with the amended Plaints in both the Suits.

[R.I. CHAGLA J.]