

Sharayu Khot.

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

INTERIM APPLICATION NO. 1484 OF 2021

IN

SUIT NO. 333 OF 2021

Achilleus George Carrasco

...Applicant/
Plaintiff

Versus

Shalini Achilleus Carrasco & Anr.

...Defendants

Dr. Uday Warunjikar i/by Maheshwar Parab for the Plaintiff.
Mr. Sachin M. Bandkar for the Defendants.

CORAM : R.I. CHAGLA J

DATE : 24 March 2022

ORDER :

1. Heard Mr. Warunjikar, learned Counsel appearing for the Applicant/Plaintiff.

2. By this Interim Application, the Applicant is seeking permission to amend the Suit No. 333 of 2021 in accordance with the schedule annexed to the Interim Application.

3. It is stated that the amendment is necessary to avoid multiplicity of proceedings between the parties and material details are required to be incorporated in the Plaint filed in the above Suit.

4. It is further stated that the proposed amendment does not change the nature of the Suit or cause of action and therefore, no prejudice is caused to the Defendants, if the proposed amendment as set out in the schedule to the Interim Application is granted.

5. Having considered that the proposed amendment of the Plaint is being sought by the Applicant/Plaintiff at a pre-trial stage and which is permissible under Order VI Rule 17 of the Code of Civil Procedure, 1908, it would be required to be granted by keeping the rights and contentions of the Defendants in the above Suit expressly open.

6. The Defendants shall always have the opportunity to file their Written Statement, including dealing with the amended Plaint and thus, no prejudice would be caused to the

Defendants.

7. It is settled law that the Courts are liberal in granting such pre-trial amendments and the proviso to Order VI Rule 17 of the Code of Civil Procedure, 1908 only restricts granting of application for amendment post-trial.

8. In view thereof, following order is passed :-

- (i) The Applicant/Plaintiff is permitted to amend the Plaint filed in Suit No. 333 of 2021 in accordance with the draft amendment in the schedule annexed to this Interim Application as well as the consequential amendments thereof.
- (ii) Amendment shall be carried out by the Applicant/Plaintiff within a period of one week from the date of this order i.e. on or before 31st March 2022.
- (iii) Interim Application is accordingly disposed of in the above terms.

(iv) Place the above Suit No. 333 of 2021 for
directions on 12th April 2022 high on board.

[R.I. CHAGLA J.]