

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

INTERIM APPLICATION NO. 2300 OF 2023

IN

SUIT NO. 01 OF 2022

Dimple Realtors Pvt. Ltd.

...Applicant/Plaintiff

Versus

Perfect Millennium Export LLP & Ors.

...Defendants

• Ms. Priyanka Kothari i/by Vinali Bhaidkar, for Applicant/Plaintiff.

CORAM : MANISH PITALE, J

DATE : 20th JULY, 2023

SHRIKANT
SHRINIVAS
MALANI

Digitally signed
by SHRIKANT
SHRINIVAS
MALANI
Date: 2023.07.24
11:59:05 +0530

P. C. :

1. By this application, the Applicant (Original Plaintiff) is seeking amendment of pleadings i.e. Plaint, as well as Interim Application No. 719 of 2022, in terms of a schedule at Exhibit "A".

2. This is a pre-trial amendment and the application is moved in the backdrop of documents supplied by the Defendant No. 5 - Bank to the Plaintiff, in pursuance of the order dated 02nd August, 2021, passed by this Court. By the said order, the Defendants were directed to furnish all relevant documents to the Plaintiff, within a stipulated period of time.

3. It is submitted that although the documents were indeed served by the Defendant No. 5 - Bank on the Plaintiff in the year 2021, the present application could be moved now, for the reason that

in the interregnum, the Defendant Nos. 2 to 4 absconded and time was consumed in effecting service on the said Defendants through various modes, including by way of publication.

4. The learned Counsel for the applicant has invited attention of this Court to the schedule at Exhibit "A", which shows that the amendment in the pleadings is sought on the basis of documents received from the Defendant No. 5 – Bank.

5. This Court is convinced that such an amendment is necessary in the facts and circumstances of the present case, in order to decide the real questions in controversy. Being a pre-trial amendment, the Court is required to adopt a liberal approach. There is no opposition to the prayers made in the present application.

6. Hence, the application is allowed in terms of the prayers made therein.

7. The amendment be carried out within a period of two weeks from today. Re-verification is dispensed with.

(MANISH PITALE, J.)