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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1982 OF 2019
IN
SUIT NO.1203 OF 2010

Zulfikar K. Momin ..Applicant/Orig.Plaintiff
Vs.
Pioneer Realtors and Builders Pvt Ltd ..Defendant

Mr.Rishikesh Kekane i/b Aditi S. Naikare, for the Applicant /
Plaintiff.

Mr. Sanket Mungade, for the Defendant.

CORAM:- B. P. COLABAWALLA,J.

DATE :- MARCH 10, 2023.

P. C.:

The above application is filed seeking an amendment of the Plaint as per the Schedule annexed to the Interim Application.

2 The learned advocate appearing on behalf of the Defendant has submitted that the name of the Defendant Company has been struck off by the Registrar of Companies. He is therefore unable to file his Vakalatnama on behalf of the Defendant. Despite this, the learned advocate objected to the amendment being granted on the ground that it is malafide and has been filed only after the Written Statement is filed by the Defendant.

3 I have gone through the Interim Application and I have also heard the learned counsel for the parties. It is not in dispute that this is a pretrial amendment. The amendments sought, in my opinion, do not in any way alter the nature of the Suit which is filed. In these circumstances, I do not find any impediment in allowing amendment. In these circumstances, the Interim Application is allowed in terms of prayer clause (a) which reads thus:-

“a)That this Hon’ble Court be pleased to permit the Applicant to amend the captioned Suit as per Schedule “A” annexed to the present application.”

4 The amendment shall be carried out within a period of two weeks from today and the amended copy of the Plaint shall be served on the Defendant within a period of two weeks thereafter. The Defendant shall be at liberty to file an additional Written Statement within a period of eight weeks from the date of service of the amended copy of the Plaint.

5 The amendment application is accordingly disposed of. No order as to costs.

6 This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(B.P.COLABAWALLA J.)