

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

COMMERCIAL SUIT NO. 117 OF 2023
WITH
INTERIM APPLICATION (LODGING) NO. 36421 OF 2022
WITH
INTERIM APPLICATION (LODGING) NO. 21472 OF 2023
IN
COMMERCIAL SUIT NO. 117 OF 2023

Ultra Lifespaces Private Limited
(Satra Buildcon Pvt. Ltd.)

...Plaintiff

Versus

Pyramid Developers & Ors.

...Defendants

- Mr. Joaquim Reis, Senior Advocate a/w Mr. Bernard Reis and Ms. Pallavi Kulkarni i/b Prajot H. Jaggi, for Plaintiff.
- Mr. Abay Khandeparkar, Senior Advocate a/w Anita Vasawani, for Defendant No. 1.

CORAM : MANISH PITALE, J

DATE : 08th AUGUST, 2023

P. C. :

1. The learned Senior Counsel appearing for the Plaintiff has invited attention of this Court to Interim Application for amendment filed in the present Suit.

2. Since the application for amendment is filed even before the preliminary hearing of the matter is to take place, this Court sees no impediment in allowing the application for amendment, particularly in the backdrop of the fact that the plaintiff ultimately desires to withdraw the present suit, in order to invoke arbitration, as

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provided in clause 35 of the joint development agreement executed between the Plaintiff and Defendant No. 1.

3. The Defendant No. 1 has appeared through Counsel and the learned Senior Counsel appearing for the said Defendant submits that even if this Court is to allow the application and permit the suit to be withdrawn for invoking arbitration, the same ought to be without prejudice to the rights and contentions of Defendant No. 1.

4. In view of the above, the application for amendment is allowed. The Plaintiff is permitted to carry out the amendment, as per schedule annexed to the application. The amendment be carried out within one week from today. Re-verification is dispensed with.

5. On a specific prayer made on behalf of the Plaintiff the suit is permitted to be withdrawn, as the Plaintiff desires to invoke arbitration. This is without prejudice to the rights and contentions of Defendant No. 1.

6. The suit is disposed as withdrawn, with liberty to take such steps as available in law.

7. Pending applications, if any, stand disposed of.

8. Court Fees shall be refunded, as per Rules.

(MANISH PITALE, J.)