

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 5249 OF 2022

IN

COMMERCIAL SUTT NO. 143 OF 2021

Wellknown Textile Industries Pvt. Ltd. ... **Applicant**

IN THE MATTER BETWEEN :

Wellknown Landmark Ventures Pvt Ltd ... **Plaintiff**

Versus

Neelkamal Realtors Tower Pvt. Ltd ... **Defendant**

Mr. Jonathan Jose a/w. Mr. Lucky Raj Indorkar i/b. Argus Partners, Advocates for the Applicant/Plaintiff.

Mr. Rohan Cama a/w. Ms. Rujuta Patil, Mr. Yohaam Shah and Mr. Hasan Mushabber i/b. Negandhi Shah & Himayatullah, Advocate for Respondent/Defendant.

CORAM : R.I. CHAGLA J

DATE : JANUARY 13, 2023

ORDER :

1. By this interim application, the applicant is seeking permission to carry out amendment in accordance with Schedule-I annexed to the interim application.

2. The applicant has stated that a petition filed for sanctioning the scheme of amalgamation and arrangement was allowed and all proceedings were transferred to the transferee company viz. Wellknown Textile Industries Pvt. Ltd., which is the present applicant. In view thereof, the applicant seeks substitution of the original plaintiff with the applicant in the cause title of the suit and in subsequent pleadings.

3. The applicant has referred to clause 3.2.8 of the said scheme, which provides for “Legal and other such Proceedings” and under which all proceedings have been transferred to the transferee company/applicant herein pursuant to the scheme. Accordingly, the present interim application has filed for amendment of the suit.

4. The learned Counsel appearing for the defendant has no objection to the relief sought for in the interim application being granted.

5. Accordingly, the following order :

ORDER

- i) The applicant is permitted to carry out amendment in accordance with Schedule I annexed to the interim application along with consequential amendments, which shall be carried out within a period of two weeks from the date of this order.
- ii) The amended pleadings shall be served by the Advocates for the applicant on the defendant simultaneously with carrying out of the amendment.
- iii) The interim application is accordingly disposed of.

[R.I. CHAGLA J.]