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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8924 OF 2024

Jai Ambe Manufacturers Ltd. And Ors. .. Petitioners

Versus

Nawaz Sharif Shaikh
Proprietor of S.G. Enterprises. .. Respondent

- Devendra Tiwari i./by
Law Chamber of Siddharth Murarka,
Advocate for Petitioner.

.....
CORAM : MILIND N. JADHAV, J.

DATE : JULY 01, 2024.

P.C.:

- 1.** Heard Mr. Tiwari, learned Advocate for the Petitioner.
- 2.** By virtue of the impugned order dated 07.06.2023 appended at page No.190 of the Writ Petition, the learned Trial Court has allowed the Chamber Summons No.1423 of 2022 allowing Plaintiff to amend the Suit plaint. The Suit is filed for recovery of certain amounts. The amendment is appended at Schedule 1 - page No.107 of the Writ Petition. The Plaintiff sought amendment for introducing paragraph Nos.8A to 8F. I have perused the same. There can be no impediment in allowing the amendment in the present case in terms of paragraph Nos.8A and 8B as it is plain nomenclature of the parties. In so far as paragraph Nos.8C to 8F are concerned, that cannot be allowed as it would change the nature of the Suit. However, all

submissions of the Plaintiff are kept open for leading appropriate evidence in accordance with law at the time of witness action. After going through the amendment Application and Schedule 1- appended at page No.107, I am *prima facie* of the opinion that the amendment can be allowed only in so far as paragraph Nos.8A and 8B is concerned. In so far as paragraph Nos.8C to 8F are concerned, the same ought not to have been allowed.

3. Hence, an arguable case has been made out by Mr. Tiwari for issuance of notice. Issue notice to the Respondent. Humdast permitted.

4. In addition to Court notice, Petitioners are permitted to serve a copy of the Writ Petition and this order on the Respondent and inform about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

5. After receiving notice, Respondent is directed to take cognizance of this order and file his Affidavit-in-Reply on or before the next date, if so desired.

6. It is clarified that, this Writ Petition shall be disposed of on the next adjourned date at the stage of admission itself after hearing the parties.

7. Respondent is directed to remain present in Court on the next adjourned date either by himself or through Advocate.

8. Stand over to **8th July, 2024.**

[MILIND N. JADHAV, J.]

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