

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.3106 OF 2023
IN
SUIT NO.1051 of 2019

Devendra Vijay Darda and Anr.] .. Applicants

In the metter between

Devendra Vijay Darda and Anr.] .. Plaintiffs

vs.

Official Liquidator High Court Bombay & Anr.] .. Defendants

Ms.Pooja Shah i/b Maneksha and Sethna for the Applicants.

CORAM : BHARATI DANGRE, J

DATE : 18th April, 2024.

P.C.

1] Interim Application is taken out by the Plaintiff seeking amendment in the Suit, as per the schedule appended thereto.

The application state that after filing of the Suit, the Plaintiff came to know that Defendant No.2 has not been granted registration as a Co-operative Housing Society and, therefore, it cannot be sued and hence permission is sought to delete Defendant No.2 from the cause title.

As far as Defendant No.1 is concerned, the attempt to serve writ of summons upon Defendant No.1 was unsuccessful, as the summons were returned with remark from the office of the Sheriff of Bombay, as 'Left'.

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In the wake of above, the title clause of the Plaint is sought to be amended to substitute address of the Defendant No.1, as set out in the Schedule.

2] In the wake of above, the title cause of the Plaint is sought to be amended to substitute the address of the Defendant No.1 as set out in the schedule.

As the amendment is formal in nature and do not change the nature of the proceedings, I deem it appropriate to grant the same.

Interim Application is made absolute in terms of prayer clause (a) and (b).

Necessary amendment to be carried out, as per schedule, within a period of one week from today.

Reverification is dispensed with.

3] Pursuant to the amendment being carried out, issue writ of summons to defendants by making it returnable on 01/07/2024, to appear and answer as per Order V Rule 1 and 2 (Bombay Amendment) of Code of Civil Procedure, 1908 and as per Form 9 of the Bombay High Court (Original Side) Rules 1980.

The writ of summons shall be served by personal service or by Registered Post Prepaid for acknowledgment. In addition, the writ of summons may be served by fax, speed post or courier with acknowledgment or by electronic mail service in accordance with the Bombay High Court Service of Process by electronic mail service (civil proceedings) Rules 2017.

[BHARATI DANGRE, J]