

MHCC040014532026



IN THE BOMBAY CITY CIVIL COURT AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

CHAMBER SUMMONS NO.208 OF 2026

IN

SUMMARY SUIT NO.314 OF 2024

Rajiv Kumar Bassi

...Plaintiff.

V e r s u s

Shilpy Bassi

...Defendant.

Shri Prathmesh Chachad, Learned Advocate for the plaintiff.
Shri Umar Hashmi, Learned Advocate for the defendant.

CORAM: G.B.Jadhav,
City Civil Judge and Addl.
Sessions Judge,
City Civil & Sessions Court,
Borivali Division Dindoshi.
(Court No.05)

DATE : 12th August 2026.**:: O R D E R ::**

1. The chamber summons is preferred by the plaintiff for amendment in terms of schedule of amendment.
2. It is contended that plaintiff filed present suit for recovery of money/movable property. The suit was originally filed, has been titled as "Summary suit for recovery of movable property under Section 7 of

the Specific Relief Act, 1963". However, the nature of reliefs sought, factual foundation and cause of action disclosed in the plaint are for recovery of money based on fraud, breach of trust and unjust enrichment. The plaintiff therefore seek to amend the plaint only to the limited extent of correcting legal provisions and relief structure, without altering or withdrawing factual averment. The amendment is intended to avoid technical objections. No prejudice will be caused to the defendant, as they have an opportunity to file additional written statement. If the present is not allowed, the plaintiff will suffer irreparable loss and hardships. Therefore, urged to allow the chamber summons.

3. The defendant strongly resisted the chamber summons by filing reply contending that the plaintiff originally filed suit under Section 7 of Specific Relief Act, 1963 and simultaneously claims the suit to be titled as Summary Suit. The plaintiff can either claim for recovery of money under Order 37 of CPC or suit under Section 7 of the Specific Relief Act. The plaintiff sought to amend the plaint by substituting original claim under Section 7 of the Specific Relief Act. By such amendment, the original cause of action and very foundation of the suit stands fundamentally altered, rendering the initial basis of the suit untenable and unsustainable in law. The suit is barred by limitation. Therefore, requested to reject the chamber summons.

4. I have heard both sides. The learned advocate for plaintiff argued as per the contents in the affidavit in support of chamber summons. He submits that if the chamber summons is allowed then the defendant will not be prejudiced because he will get opportunity to file additional written statement. Hence, he urged to allow the chamber

summons.

5. On the other hand, the learned advocate for the defendant argued as per the contents in the reply affidavit. He further submits that if the chamber summons is allowed, then there will be question of limitation and cause of action. Hence, he urged to reject the chamber summons.

6. I have thoughtfully considered the submission of learned advocate for both parties. I have gone through the record and proceeding of this case.

7. After perusal of chamber summons and affidavit in support of chamber summons, it shows that the plaintiff is seeking deletion of title “summary suit for recovery of movable property under Section 7 of the Specific Relief Act, 1963”, substitution with “suit for recovery of money, declaration and injunction” in title clause of the plaint. Further, he is seeking deletion of statutory reference to Section 7 of the Specific Relief Act, 1963 wherever appearing in the plaint and application for injunction order.

8. After perusal of the plaint and prayer clause, it shows that vide prayer clause (a) he is seeking decree for recovery of movable property and/or equivalent monies to a tune of Rs.50,00,000/- approximately alongwith interest at the rate of 18% per annum applicable from the date of filing present suit upto final disposal of the instant suit in favour of the plaintiff and against the defendant. As per prayer clause (b) he is seeking the relief to direct the defendants to deposit the sum of Rs.50,00,000/- being the dispute amount claimed in present suit with the Court Registry of this Court and/or to furnish securities equivalent

to the claims made in present suit to secure mis-appropriation of funds. From the above prayer, it shows that if the proposed amendment is allowed, the defendant will not be prejudice. Moreover, he will get opportunity to file additional written statement or amended written statement. So far as the point of limitation is concerned, it can be considered at the time of deciding the main suit. Moreover, if the chamber summons is allowed then there will be no change in the nature of the suit. In such circumstances, while granting chamber summons if the defendant is compensated with cost then she will not be prejudice. Therefore, chamber summons is deserves to be allowed and I pass the following order:

ORDER

1. The Chamber Summons No.208 of 2026 is allowed subject to cost of Rs.3000/- (Rupees Three Thousand) payable by the plaintiff to the defendant (in the absence of defendant in the court) within 6 days from the date of order.
2. On payment of cost, the plaintiff to carry out necessary amendment in the plaint as per schedule within 14 days from the date of order. The copy of amended plaint be served upon the defendant.
3. The defendant is allowed to file additional written statement upon receiving copy of amended plaint.
4. The Chamber Summons No.208 of 2026 is disposed of accordingly.

(G.B.Jadhav)
City Civil Judge,
City Civil & Sessions Court,
Borivali Division Dindoshi,
Mumbai.

Date: 12.08.2026

Directly typed on computer : 12.08.2026
Checked & Signed by HHJ on : 12.08.2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
12.08.2026at 5.45 p.m. UPLOAD DATE AND TIME	Mrs. Revati V Kadam Name of the Stenographer
Name of the Judge (With Court room no.)	SHRI. G.B.Jadhav (C.R. NO.5)
Date of Pronouncement of JUDGMENT/ ORDER	12.08.2026
JUDGMENT/ORDER signed by P.O. on	12.08.2026
JUDGMENT/ORDER uploaded on	12.08.2026