

MHCC040022042023



IN THE CITY CIVIL COURT FOR GR.MUMBAI AT DINDOSHI
BORIVALI DIVISION, MUMBAI

CHAMBER SUMMONS NO.280/2023

IN

S. C. SUIT NO.2001/2013

Mr. Mandip Singh Bajaj.

... Plaintiff.

Vs.

M/s Vaidehi Akash Pvt. Ltd & Ors.

... Defendants.

Adv. P. K. Dubey, for Plaintiff.

Adv. Kadam, for Defendant No.2.

Adv. Samrudhi Mali, for Defendant No.3.

CORAM : K. R. Deshpande
Ad-hoc City Civil Judge,
(C.R. No.16)

Date : 22nd July, 2025.

ORDER

Plaintiff has taken out this chamber summons for amendment in the plaint as stated in the schedule of proposed amendment.

2. Perused affidavit in support of chamber summons, affidavit in reply and written arguments.

3. Heard learned advocates for both the sides.

4. By this chamber summons the plaintiff wants to amend the plaint. By way of proposed amendment, the plaintiff wants to bring on record the fact that defendant no.1 against whom the insolvency proceedings initiated and going on and defendant no.3 taken charge of the affairs of defendant no.1 and he is responsible and liable to execute Sale Deed and handover the possession of the flat premises mentioned in the allotment letter. The defendant no.3 opposed the application on the ground that, there is a delay in filing chamber summons and the plaintiff intentionally prolonging the matter. The matter was at the stage of leading the evidence and therefore prayed for rejection.

5. After perusing record, I find that delay is not a ground for rejection of amendment. Another aspect that, it is true matter is listed for evidence. However, in real sense trial is not commenced and I find that this amendment is necessary to decide the controversy in the matter. It will not change original nature of suit. It is revealed that, this insolvency proceedings started in 2017. However, the plaintiff moved this chamber summons in 2025. However, there is nothing on record that the plaintiff was aware in 2017 itself in respect of initiation of insolvency proceedings. Still I find that, the plaintiff should be diligent because the matter is old one and therefore it causes delay and hardship to the defendant no.3 which can be compensated in terms of money. Hence, the following order:

ORDER

1. Chamber Summons No.280 of 2023 is allowed subject to cost of Rs.1000/- (Rupees One Thousand). Cost to be paid to defendant no.3 on or before next date.
2. Plaintiff to carry out amendment in the plaint as per schedule, on or before next date and to file copy of amended plaint on

record and also serve it upon defendants.

3. Chamber Summons No.280 of 2023 is disposed of accordingly.

22/07/2025

(K. R. Deshpande)
Ad-hoc City Civil Judge
City Civil Court, Dindoshi,
Mumbai.

Dictation given directly on Computer on: 22/07/2025

Checked & Signed by HHJ on : 22/07/2025

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER."	
UPLOADED ON 22/07/2025 AT 05.45 PM	
Mrs. J. S. Gawai	
NAME OF STENOGRAPHER	
Name of the Judge (with Court Room No.)	HHJ Shri. K. R. Deshpande, C.R. No.16.
Date of Pronouncement of Judgment/Order.	22/07/2025
Judgment/Order signed by PO. on	22/07/2025
Judgment/Order uploaded on	23/07/2025