

IN THE BOMBAY CITY CIVIL COURT AT BOMBAY

CHAMBER SUMMONS NO.659 of 2018

IN

SUIT NO.2999 of 2015

Bomi Daruwala and ors.

..Plaintiffs

V/s.

Feroze Cawas Titina & Ors.

..Defendants

Coram : H.H.THE PRINCIPAL JUDGE

Mrs.P.V. GANEDIWALA

Dated : 04th July, 2018

(C.R.No.19)

Advocate Mr. Nagvadaria for the plaintiffs.

Advocate Mrs. Khanna for the defendants.

ORAL ORDER

1. At the stage of framing of issues, in a suit for Declaration and Injunction, the plaintiffs took out the present Chamber Summons to amend the plaint in cause title, pleading and prayer clause as per the schedule annexed to the Chamber Summons.

2. Defendants, in spite of an opportunity to file their reply, did not file the same. The learned counsel for the defendants objected the proposed amendment, being the delaying tactics on the part of the plaintiffs.

3. In this chamber summons, the plaintiffs proposed to change the addresses of defendant nos.2 and 9 in the cause title, to add para nos.15A and 15B in the pleadings, which are relating to further details

as to how the defendant no.4 is being coerced to surrender the suit premises in favour of defendant nos.1 to 3 and to add clauses c-1 to c-5 in the prayer clause.

4. On perusal of the pleadings in the plaint and the proposed pleading, I do not find any new case sought to be added by the plaintiffs. In view of the stage of the trial i.e. issues have not been framed, I allow the same. However, as regards proposed prayers to be added, the plaintiffs have already enumerated sub clauses 'a' to 'q' in the prayer clause. The proposed amendment in the prayer clause is nothing but further elaboration of the already narrated sub clauses in the prayer clause. It may create confusion. I am not inclined to allow the same. In such circumstances, I allow para 1 and 2 of the Schedule Annexure A to the Chamber summons and reject para 3 of the Schedule. I pass the following order :

ORDER

1. Chamber Summons is partly allowed as regards para 1 and 2 of the Schedule.
2. Plaintiffs to carry out the amendment within one week and to furnish the amended copy of the plaint to this court and to the defendants in one week thereafter.

04/07/2018

(P.V. GANEDIWALA)
Principal Judge,
Gr.Bombay.

Dictated on : 04/07/2018
Transcribed on : 05/07/2018
Signed by HHPJ on : 06/07/2018

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER

Name of Stenographer : Mrs. Varsha D. Chowdhri
Upload date and time : 06th July, 2018 (At 02.53 p.m.)

Name of the Judge	H.H.THE PRINCIPAL JUDGE Mrs. P. V. GANEDIWALA (C.R.No.19)
Date of Pronouncement of Order	04 th July, 2018
Order signed by P.O. on	06 th July, 2018
Order uploaded on	06 th July, 2018