

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 3159 OF 2021
WITH
INTERIM APPLICATION NO. 420 OF 2020
WITH
NOTICE OF MOTION NO. 10 OF 2021
IN
COMMERCIAL IP SUIT NO 234 OF 2021
WITH
COMMERCIAL APPEAL (LODGING) NO. 504 OF 2019
IN
NOTICE OF MOTION NO. 10 OF 2021

FinTree Education Pvt. Ltd. & Anr.

...Applicants/Plaintiffs

Versus

Fintree Finance Pvt. Ltd.

...Defendant

- Mr. R. S. Apte, Senior Counsel a/w Ms. Dhanashree Bhat and Mr. Ketan Dhavale, for Applicants/Plaintiffs.
- Mr. Vishal Hegde i/by Mr. Deepakar Livingston, for the Defendant

CORAM : MANISH PITALE, J

DATE : 20th FEBRUARY, 2023.

P. C. :

1. This is an application seeking amendment of the plaint as per the schedule placed along with the application.

2. Mr. Apte, learned Senior Counsel appearing for the Applicants submits that the Plaintiffs wish to add pleadings pertaining to the cause of action of passing off, apart from bringing on record certain subsequent developments, which have a bearing on the issues that would arise in the present proceedings.

3. Mr. Vishal Hegde, learned Counsel appearing for the Defendant has opposed the prayers made in the present application. But, considering the fact that the written statement is yet to be filed and the proposed amendment is not likely to change the nature of the suit, as also the fact that the proposed amendment seeks to bring on record certain subsequent events and pleadings that are relevant to the controversy, the application is allowed.

4. The amendment be carried out within two weeks from today. Re-verification is dispensed with.

5. In the light of the amendment being allowed, the learned Counsel appearing for the Defendant submits that permission may be granted to the Defendant to file an additional affidavit in the Notice of Motion bearing No. 10 of 2021.

6. In that light, the Defendant is permitted to file an additional affidavit within three weeks from the amendment being carried out.

7. Needless to say, the amendments are allowing, while keeping the rights and contentions of the Defendant open.

(MANISH PITALE, J.)