

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

**NOTICE OF MOTION NO.1964 OF 2010  
IN  
SUIT NO.1965 OF 2010**

Jasmine S.Shah .....Applicant/Plaintiff

V/s.

Mallika M.Jhaveri & Ors. ....Defendants

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Ms.Manjiri Shah a/w Ms.Yashavi Panchal i/by M/s.K.Ashar and Co.  
for the plaintiff/applicant.

Mr.R.A.Shaikh for the defendant no.1.

Mr.C.M.Lokesh a/w Ms.J.Pandey i/by Lex forum for defendant no.4.

Mr.A.Waghmare i/by Goenka Law Associates for defendant no.8.

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**CORAM : K.R.SHRIRAM,J  
DATE : 16.1.2017**

**P.C.:-**

1 Ms.Manjiri Shah appearing for the plaintiff states that this court had granted leave to amend the plaint by an order dated 19.12.2016. The counsel states that in view thereof, the prayers sought in the Notice of Motion also will have to be amended and tenders draft amendment. The same is taken on record and marked 'X' for identification. Ms.Shah also states that they will file a formal affidavit to support the additional prayers being sought.

2 Mr.R.A.Shaikh for defendant no.1 states that he has considered the draft amendment but he is not in a position to consent for want of instructions. At the same time, he leaves it to the court to

decide. I have considered the amendment being sought. The plaint has been amended and Notice of Motion also requires to be amended. In fact, I asked Ms.Shah whether she wishes to withdraw the Notice of Motion with liberty to take out fresh Notice of Motion. But she stated that will be difficult because there are various ad-interim orders passed in favour of the plaintiff.

3 I have considered the draft amendment. In my view, no prejudice would be caused to the defendants if the plaintiff is allowed to amend the Notice of Motion as per the draft tendered. Notice of Motion to be amended and the amended Notice of Motion with the additional affidavit in support to be served upon the defendants within two weeks from today. Should the defendants wish to file any additional affidavit in reply, they may do so within two weeks of receiving copy of the amended Notice of Motion. Rejoinder if any, to be filed within two weeks thereafter. Notice of Motion to come up on 7.3.2017.

**(K.R.SHRIRAM,J)**