



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 609 OF 2017

Dan Kutir Co-operative Housing Society Ltd. ... Plaintiffs

vs.

Niraj Kakad Constructions Pvt. Ltd. ... Respondents

WITH

INTERIM APPLICATION NO. 163 OF 2021

Rishabraj Estate Developers ... Applicant

Private Limited & Anr.

In the matter between

Dan Kutir Co-operative Housing Society Ltd. ... Plaintiffs

vs.

Niraj Kakad Constructions Pvt. Ltd. ... Respondents

Mr. Manoj Kumar Mishra for the Plaintiff.

Mr. Ashish Jain i/b. Mr. Prerak P. Choudhary for Defendant nos. 1 and 2.

Mr. Sagar Patil for Defendant no. 3.

Ms. Parisha Shah i/b. Mr. Dhaval Mehta i/b. D. M. Legal Associates for the Applicant in IA/163/2021 and Proposed Defendant nos. 4 and 5.

CORAM : A. K. MENON, J.

DATED : 28th JANUARY, 2021.

P.C. .

1. Learned Advocate for the plaintiff submits that on account of further factual developments he is required to amend the plaint. He



tenders draft amendment along with additional exhibits he proposes to annex. On behalf of defendant nos. 1 to 3 learned Advocate who appears today on notice has no objection to the amendment being allowed. Learned Advocate for the proposed defendant nos. 4 and 5 is also present and has no objection to the amendment being allowed and being impleaded as parties to the Suit. In view thereof I pass the following order :

- (i) Leave to amend allowed in terms of draft handed in and marked “X” for identification. Amendment to be carried out within one week from today.
- (ii) If amendment is carried out list on 8th February, 2021 for filing consent terms.
- (iii) The intervenors have now been allowed to be impleaded by way of amendment as defendant nos. 4 and 5. In view thereof Interim Application no. 163 of 2021 does not survive. Interim Application no. 163 of 2021 is disposed as infructuous.

(A. K. MENON, J.)