

IN THE BOMBAY CITY CIVIL COURT AT BOMBAY

CHAMBER SUMMONS NO.529 OF 2013

IN

S.C. SUIT NO. 2456 OF 2012

Anil Bhagwandas Jobanputra

...Plaintiff

Versus

1. The Bombay Cloth Market  
Company Ltd.

2. Mangaldas Market Cloth Merchants  
Association

...Defendants

And

1. Shri Pravin Govindji Mody

2. Shri Chandrakant Kantilal Talati

3. Shri Rajendra Dhirajlal Negandhi

4. Shri Mahesh Bherushankar Dave

...Respondents

Adv. Mr. Suresh Patil for plaintiff.

Adv. Mr. J.H. Dhorajiwalla for defendant No.1.

Adv. Mr. Jagdish Chomal for defendant No.2.

CORAM : HIS HONOUR JUDGE SHRI M. S. SHARMA  
(C.R.NO.4)

DATED : 17<sup>th</sup> July, 2013.

ORAL ORDER

1. This Chamber Summons is taken out by plaintiff for  
adding respondent as the defendants in the suit.

2. It is contention of plaintiff that suit is filed by him in great hurry with an intention to seek reliefs that the elections for the post of Director of Defendant no.1 should be conducted in accordance with the provisions of Companies Act, 1956.

3. It is his further contention that, during the pendency of Notice of Motion No. 2807 of 2012 under the guise of holding the elections on 28.09.2012 at 4.30 p.m. defendant no.1 has declared respondents as Directors of defendant no.1, without holding elections and therefore it is necessary to add them as party.

4. Plaintiff filed affidavit of service alongwith Postal acknowledgment which shows that the Chamber Summons was duly served on all the respondents, but none of the respondent appeared.

5. Heard learned advocate for Plaintiff.

6. The plaintiff is challenging the status of respondent and praying to declare the same as bad-in-law, illegal and unlawful. The Act carrying alleged election is subsequent to the filing of suit. Hence to meet the ends of justice, it is necessary to allow plaintiff to carry out amendment. Hence following Order is passed :-

### **ORDER**

1. Chamber Summons No. 529 of 2013 is made

absolute in terms of prayer clause (a) which reads as under:-

*(a) That the Plaintiff be allowed to amend the plaint and proceedings of the above suit as per the schedule annexed.*

2. Plaintiff to carry out amendment on or before next date.

**(M.S. Sharma)**

Judge  
City Civil Court,  
Gr. Bombay.

**Dt:- 17.07.2013.**

Dictated on	:	17.07.2013.
Transcribed on	:	20.07.2013.
Signed on	:	24.07.2013.