

WRIT PETITION NO.356/2003

1. M/s. Pednekar Developers Pvt.Ltd.,
a Company registered under the
Indian Companies Act, 1956,
having registered Office at
F-1, Pushpak-I, Near Kirti Hotel,
Ponda, Goa, through its duly
Authorised Director,
Shri Raghunath Pednekar.

2. Shri Rajesh Raghunath Pednekar,
Director cum Share-holder of
M/s. Pednekar Developers Pvt.Ltd.,
Residing at M-3, Kundaikar
Nagar, Panaji, Goa.

.... Petitioners.

Vs.

1. Shri Sunil Raghunath Pednekar,
residing at AB-1, Gulmohar Apts.
Behind Syndicate Bank,
Caranzalem, Goa.

2. Mrs. Snehalata Sunil Pednekar,
residing at AB-1, Gulmohar Apts.,
Behind Syndicate Bank,
Caranzalem, Goa.

.... Respondents.

Mr. Nitin Sardessai, Advocate for the petitioners.

Mr. J.P. Mulgaonkar, Advocate for the respondents.

CORAM : F.I. REBELLO, J.

DATE : JULY 31, 2003.

ORAL JUDGMENT:

Rule. Heard forthwith. Petitioners had applied for amendment on the ground of subsequent events. That application came to be rejected by order dated 3.3.2001. A revision came to be preferred, which

revision was allowed to be withdrawn to file writ petition. As such the present petition. On behalf of the petitioners, it is contended that by the amendment all that they have sought to do is to bring on record the subsequent events and relief thereto. On behalf of the respondents, their learned Counsel contended that if the amendment is allowed, it would result in altering the cause of action.

2. In the instant case, the suit as filed amongst others, for relief that the defendants No.1 and 2 are not directors of respondent No.1. By the amendment, certain actions of the directors are sought to be challenged, more specifically in respect of the property. If that be the case, it cannot be said that the proposed amendment would alter the cause of action. Once that be the case, the trial Court clearly committed error on the face of the record in rejecting the application for amendment.

In the light of that, amendment allowed. Rule made absolute in terms of prayer clause (a). No order as to costs.

F.I. REBELLO, J.

ssm.