

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5151 OF 2015

M/s. Shagun Hospitality Pvt. Ltd. .. Petitioner
vs.
Anil Mahadonaik & Anr. .. Respondents

WITH
WRIT PETITION NO. 5152 OF 2015

M/s. Shagun Hospitality Pvt. Ltd. .. Petitioner
vs.
Omel Shah & Anr. .. Respondents

Mr. Khan Javed Akhtar for Petitioner.

CORAM : M. S. SONAK, J.
DATE: 30 JUNE 2015

P.C. :-

1] In both these petitions, the challenge is to the orders dated 21 February 2014, by which the Small Causes Court at Mumbai, has condoned the delay in filing written statement and permitted the filing of written statement.

2] The learned counsel for the petitioner contends that the delay in the present cases was substantial and there was no proper explanation furnished by the respondents.

3] Upon perusing the record, it is seen that explanation as also sufficient cause was furnished for the delay in filing written statement. In any case, this is not a case where it can be said that the trial Court has exercised its discretion arbitrarily or in a perverse manner. Costs have also been awarded in favour of the petitioner. Grievance of the petitioner that by filing the written statement after such delay, the proceedings have been protracted, can be redressed by directing expedition.

4] Accordingly, no case to interfere with the impugned orders. The petitions are dismissed. However, the proceedings in the two suits before the Small Causes Court are ordered to be expedited.

(M. S. SONAK, J.)