

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2638 OF 2015
IN
WRIT PETITION NO.10745 OF 2014

Dahisar Sarvoday Vividh Karyakari Shakari Soc.Ltd.
and another ... Applicants
Vs.
Ashok Kumar Chandanmal Jain and others ... Respondents

Mr. Pravartak Pathak i/b. Mr. Uday P. Warunjikar for Applicants.
Mr. Rahul Rao i/b. M/s. N. N. Vaishnawa & Co. for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : 15TH SEPTEMBER, 2015

P.C. :

Heard Mr. Pathak, learned Counsel for applicants and Mr. Rao, learned Counsel for respondent No.1.

2. By this Application, applicants have sought extension of time by one week for filing written statement and counter claim. Mr. Pathak submitted that by order dated 23.06.2015 passed by this Court in Writ Petition No.10745 of 2014, applicants were permitted to file written statement and counter claim within 10 weeks from the date of the order subject to depositing amount of Rs.8 lacs within 8 weeks from the date of the order. He submitted that as per that order, written statement and counter-claim were to be filed on or before 01.09.2015. It was, in fact, filed on 04.09.2015. The written statement and counter claim were filed 3 days after the period prescribed in the order dated 23.06.2015. He, therefore, prayed that the time stipulated in the order dated 23.06.2015 may be extended.

3. On the other hand, Mr. Rao opposed the application on the

ground that the reasons stated in the application are not correct.

4. Having regard to the fact that as per the order dated 23.06.2015, the applicants were supposed to file written statement on or before 01.09.2015 and having further regard to the fact that applicants have filed written statement and counter-claim on 04.09.2015, which is not disputed by the respondents, in my opinion, interest of justice demands that the time stipulated in the order dated 23.06.2015 deserves to be extended by a period of 1 week from today. The learned trial Court shall accept the written statement and counter-claim and proceed with the matter in accordance with law. Order accordingly. Application disposed

(R. G. KETKAR, J.)

Minal Parab

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment / Order.