

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 490 OF 2015
IN
SUMMARY SUIT NO.733 OF 2014**

Windsor Realty Pvt. Ltd.

.. Applicant/Defendant

In the matter between :

Modern Protection & Investments Pvt. Ltd.

.. Plaintiff

Vs.

Windsor Realty Pvt. Ltd.

.. Defendant

Mr.Jehangir Jejeebhoy and Ms.Shreya Ramesh i/b Bharucha & Partners for plaintiff.

Mr.Bhushan Deshmukh a/w. Mr.Vishesh Karla i/b Vidhi Partners for applicant/defendant.

CORAM : K.R.SHRIRAM, J.

DATE : 22ND JUNE, 2015

P.C.

1 This notice of motion has been taken out for leave to condone the delay of 90 days in filing the Vakalatnama. In the affidavit in support, the reason for not filing the Vakalatnama and as to how the applicant came to know about the matter has been explained in paragraphs 3, 4 and 5 thereof. The plaintiff is yet to take steps for obtaining an ex-parte decree, even though, the Vakalatnama has not been filed within 10 days.

Therefore, in my view, the delay can be condoned. The delay is hereby condoned and the registry is directed to accept the Vakalatnama of

the defendant.

2 The counsel for the plaintiff submits that the plaintiff had to incur costs in view of the defendant's non-filing the Vakalatnama on time to defend this suit. The defendant to pay a sum of Rs.10,000/- as costs to the plaintiff. The amount to be paid within two weeks by way of cheque drawn in favour of the advocate on record for the plaintiff.

3 The notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)