

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL SIDE JURISDICTION

NOTICE OF MOTION NO.866 OF 2015
ALONGWITH
CHAMBER SUMMONS NO.77 OF 2015
IN
SUIT NO.2842 OF 2009

The Board of Trustees of the Port of Mumbai	...	Plaintiff
Vs.		
Poddar Tubes & Pipes Ltd. & Ors.	...	Defendants

A S Pal, Adv. a/w. Ms. Sneha Pandya, Adv. i/b. Motiwalla & Co. for
plaintiff.

Ms. N Sumnani, Adv. i/b. M/s. Bhatt & Saldanha for defendant No.2.

Ms. Kirti Dabir, Adv. for defendant No.3.

CORAM : MRS. ROSHAN DALVI, J.

DATE : 3rd August, 2015.

P.C. :

1. Defendant No.3 seeks to file its written statement. It has been delayed for a period more than 1000 days. Hence it is opposed by the plaintiff. The case of defendant No.3 is when the copy of Chamber Summons No.79 of 2015 was served upon the defendant No.3 it realized that it was a defendant. Due to certain renovation the written statement was misplaced. Hence the written statement is sought to be filed.

2. For the delay to be condoned defendant No.3 shall have to pay costs if the written statement is accepted on record. Upon the defendant No.3 paying cost of Rs.20,000/- to the plaintiff within two weeks from today.

3. The written statement of defendant No.3 shall be accepted on record. If the costs are not paid the written statement stand rejected and the exparte decree shall be passed against defendant No.3.

4. Notice of Motion is disposed of accordingly.

5. Chamber Summons is adjourned to 10th August, 2015.

(ROSHAN DALVI, J.)