

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

**CHAMEBR SUMMONS NO. 746 OF 2015
WITH
CHAMEBR SUMMONS NO. 747 OF 2015
WITH
CHAMEBR SUMMONS NO. 796 OF 2015
IN
SUMMARY SUIT NO. 48 OF 2015**

Italian Design Bag'age Private Limited .. Applicant/Orig.Deft.

In the matter between :

Santosh C. Trivedi .. Plaintiff

Vs.

Italian Design Bag'age Private Limited .. Defendants

Mr.A.R.Shaikh i/b S.D.Mishra for plaintiff.

Mr.Farhad Marolia i/b KRY Legal for defendant no.1 and for applicant in chamber summons no.796/2015.

Mr.Shrin Hormuzdi for defendant no.3 and for applicant in chamber summons no.746/2015.

Ms.Binal Shah for defendant no.3 in chamber summons no.747/2015.

CORAM : K.R.SHRIRAM, J.

DATE : 22ND JUNE, 2015

P.C.

CHAMEBR SUMMONS NO. 746 OF 2015

1 This chamber summons is taken out on behalf of defendant no.1 to condone the delay of 74 days approximately in filing the Vakalatnama. In

the affidavit in support, which is filed by an authorized representative of the applicant, it is stated that the inward mail clerk who had accepted the writ of summons on 2.02.2015 had to proceed on emergency leave on 5.02.2015 due to personal reasons. It is also stated that none of the other employees of the defendants were aware of the inward mails received from time to time. The applicant has also filed an affidavit of one Kishore Devaliya affirmed on 17.06.2015 in which he has stated that he is a receptionist and despatch clerk and he has received the writ of summons. He has also explained as to why he has not handed over the writ of summons to defendant no.2 who is the director incharge of defendant no.1. In lieu of what is stated in the affidavit of Kishore Devaliya and the affidavit in support of chamber summons, the delay is condoned and the office is directed to accept the Vakalatnama.

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2 In view of the order passed in chamber summons no.746 of 2015, this chamber summons, for the same reasons, is allowed in terms of prayer clause (a).

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3 In view of the order passed in chamber summons no.746 of 2015, this

chamber summons, for the same reasons, is allowed in terms of prayer clause (a).

4 The counsel for the plaintiff states that the plaintiff had incurred costs due to the defendants' non-filing the Vakalatnama within time by having to defend this chamber summons. Therefore, the applicant is directed to pay a sum of Rs.5,000/- for each of the chamber summons, i.e., Rs.15,000/- as costs to the plaintiff and the same to be paid by cheque drawn in favour of the advocate on record for the plaintiff.

(K.R. SHRIRAM, J.)