

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 1639 OF 2015
IN
SUIT (L) NO. 1247 OF 2014

Mr. Ramesh H. Chawla ... Applicant / Plaintiff

Versus

M/s. Bhayani Brothers and Ors. ... Defendants

Mr. Shantanu C. i/b. Amogh Karandikar for the Applicant / Plaintiff.
Mr. S.S. Lotankar i/b. Hussein and Company for the Defendants.

CORAM : S.J. KATHAWALLA, J.
DATED : 30TH JUNE, 2015

P.C.:

1. Perused the Notice of Motion and the Affidavit in support thereto. Though, no satisfactory explanation is given on behalf of the Applicant / Plaintiff as to why the objections were not removed on time, since the Advocate for the Applicant / Plaintiff on instructions undertakes to pay cost of Rs.10,000/- to the Defendants within a period of two weeks from today and further since the Advocate for the Defendants has submitted that the Defendants have no objection to the above Notice of Motion being allowed subject to payment of cost as undertaken, the Notice of Motion is allowed in terms of prayer clause (a), which is reproduced hereunder :

“(a) delay of 84 days, if any, may be condoned in the interest of justice”

2. The undertaking given by the Advocate for the Applicant / Plaintiff on instructions that cost of Rs.10,000/- shall be paid to the Defendants on or before 14th July, 2015 is accepted.
3. The order dated 12th February, 2015 stands restored.
4. The Plaintiff to remove the office objections in Suit as well as Notice of Motion within a period of one week from today.
5. The above Notice of Motion is accordingly disposed of.

(S.J. KATHAWALLA, J.)