

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

CHAMBER SUMMONS NO. 936 OF 2015

IN

SUIT NO. 176 OF 2012

Parag Co.op. Hsg. Society Ltd. Applicant
Ori. Defendant

In the matter between

Pratima Chandrashekhar Singh and anr. ... Plaintiffs

vs

Parag Co.op. Hsg. Society Ltd. ... Defendant

Mr. Sandesh Patil i/by Mr. Dharmesh Joshi, Advocate for the
applicant/ori. defendant.

Mr. Sunil C. Patel, Advocate for the ori. plaintiff.

Coram : Smt. R. P. SondurBaldota, J.

Date : 28th October, 2015.

P.C. :

1. This Chamber Summons is taken out by the defendant for extension of time for filing written statement by condoning the delay of 2 years 4 months and 17 days and for setting aside the order passed by the Prothonotary directing the suit to be added to the list of undefended suits.

2. The affidavit-in-support of the Notice of Motion states that the defendant is a Co-operative Housing Society, whose members come from middle-class families. The dispute between the parties to the suit is over re-development of the building of the

defendant, which was demolished by Mumbai Municipal Corporation in the year 2014 as the same had become dilapidated. The affidavit-in-rejoinder of the defendant discloses the various fronts at which litigations are being fought by the defendant, which according to it caused delay in filing the written statement.

3. In view of the facts of the case and in particular the subject matter of the suit, in my opinion, the defendant ought to be granted an opportunity of hearing on merit by prejudice caused to the plaintiff, delay in disposal of the suit can be compensated with costs. Mr. Patil, the learned advocate for the applicant / original defendant states that the written statement is ready for filing. In the circumstances, on the defendant paying costs quantified at Rs.15,000/- to be paid to the plaintiffs within a period of one week from today, the Chamber Summons is allowed in terms of prayers clause (a), (b) and (c).

[Smt. R. P. SondurBaldota, J.]