

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 990/2015
IN
SUIT NO.204/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Asha Nair i/b. Diamondwala & Co. for the Plaintiff

Mr. Chirag Shah i/b. Jitendra Shah for Defendant No.11.

Mr. Parmeshwar Bhise-Patil i/b. Rakesh Agarwal for Defendant Nos.2 and 3.

CORAM : K. K. TATED, J.

DATE : DECEMBER 5, 2015

P.C.:

1. Heard. The Notice of Motion is filed by Defendant No.11 for condonation of delay in filing the written statement by setting aside the order dated 01/12/2014 passed by the Prothonotary & Senior Master of this court, by which the matter was transferred to the list of undefended suits.

2. Considering the submissions made by the learned counsel for the Applicant - Defendant No.11 and the averments made in the affidavit in support of the Notice of Motion, I am satisfied that the Applicant - Defendant No.11 has made out a

case for allowing the Notice of Motion. At the same time, the Applicant has to pay cost of Rs.7500/-.

3. Cost to be deposited in the office of the Maharashtra State Legal Services Authority, High Court, Bombay, within 2 weeks from today, failing which the Notice of Motion shall stand dismissed without further reference to the court.

4. Hence, the following order is passed:

a. Order dated 01/12/2014 passed by the Prothonotary & Senior Master of this court against Defendant No.11 transferring the suit to the list of undefended suits is set aside.

b. Delay in filing the written statement is condoned.

c. Defendant No.11 to file the written statement in the Registry on or before 21/12/2015 with copy to other side, failing which the Notice of Motion shall stand dismissed without further reference to the court.

d. Notice of Motion stands disposed off accordingly.

JUDGE