

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

**CHAMBER SUMMONS NO. 879 OF 2014
IN
SUIT NO. 1649 OF 2012**

M/s.Lavina Estates Pvt. Ltd.

.. Applicant/Defendant

IN THE MATTER BETWEEN :

M/s. Vee Square Hitech Pvt. Ltd.

.. Plaintiff

Vs.

M/s.Lavina Estates Pvt. Ltd.

.. Defendant

Mr.V.R. Kasle i/b Ram & Co. for plaintiff.

Ms.Falguni Thakkar i/b Doijode Associates for applicant/defendant.

**CORAM : K.R.SHRIRAM, J.
DATED : 5TH JANUARY, 2015**

P.C.

1 This chamber summons is taken out by the defendant to condone the delay of 274 days in filing the written statement and to set aside the order dated 2nd December 2013 passed by the Prothonotary and Senior Master, High Court, Bombay transferring the suit to the list of undefended suits and to take on record the written statement of the defendant.

2 In the affidavit in support, it is mentioned that though the suit is of the year 2012, a copy of the plaint was served only on 9th October 2013. It is

also stated that during that time, the office of the defendant had shifted and the files concerning the above matter had got misplaced and hence there has been a delay.

3 It is also be noted that this suit is of 2012 and we have suits pending for almost 10 years in this Court. Therefore, I am inclined to condone the delay and set aside the order dated 2nd December 2013 passed by the Prothonotary and Senior Master, High Court, Bombay transferring the suit to the list of undefended suits. The chamber summons is allowed in terms of prayer clauses (a) and (b). The office is directed to take the written statement on record subject to removal of office objection, if any. The counsel for the defendant undertakes to file the written statement in the registry on or before 9th January 2015.

4 The chamber summons is accordingly disposed.

(K.R. SHRIRAM, J.)