

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1125 OF 2015
IN
SUMMARY SUIT NO. 382 OF 2015

The Fertilisers and Chemicals
Travancore Ltd.

.....Plaintiff

: V/S :

IDBI Bank Ltd.

.....Defendant

* * * * *

Mr. Ginny Rautray a/w. Ms. Mahi Lalka, i/by. Mr. Ashok Singh,
Advocate for the plaintiff.

Mr. GirishKumar Pandit i/by. Pandit Girinkumar Navinchandra,
Advocate for the applicant/original defendant.

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

21st October, 2015.

P.C. :-

1). This Chamber Summons is taken out for condonation of delay in filing of appearance in the Summary Suit. According to the defendant, the delay is of 29 days, whereas according to the plaintiff the delay is of 42 days. In the affidavit-in-support of the Chamber Summons the defendant claims that the writ of summons alongwith the copy of the plaint was received at its registered office, whereas, the suit bank guarantee concerned was given by the branch office at Nariman Point.

Therefore, considerable search and investigation had to be undertaken by the defendant for locating the branch office for the purpose of forwarding papers of the proceedings. This consumed substantial time. Hence, the delay.

2). The reasons stated in the affidavit-in-support of the Chamber Summons can hardly be said to be sufficient explanation for delay. The reason merely reflects upon the efficiency of the internal administration of the defendant. However, in the interest of justice, the Chamber Summons is allowed on condition that the defendant pays costs of the Chamber Summons quantified at Rs.5,000/- (Rs. Five Thousand only) to the plaintiff within a period of 2 weeks from today.

(SMT. R.P. SONDURBALDOTA, J)