

sbw

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1583 OF 2014

IN

SUIT NO.445 OF 2013

Akhtar Malik & Anr.	..Applicants
<u>In the matter between</u>	
Nishit Ramawadh Jayaswal & Ors.	..Plaintiffs
Versus	
Akhtar Malik & Anr.	..Defendants

.....
Mr. T. N. Tripathi i/b. T. N. Tripathi & Co. for the Plaintiffs.
Mr. L. M. Shukla for the Defendants.
.....

CORAM: A.K.MENON, J.

DATE : 14th AUGUST, 2015.

P.C.:

This Notice of Motion is taken out by the defendants for condonation of delay of 214 days in filing the written statement. The suit was listed before the Prothonotary and Senior Master on 29th January, 2014 where the order was passed directing the defendants to file the written statement on or before 9th April, 2014, failing which the suit against the defendant was stand transferred to the list of Undefended Suits. There is an affidavit in support of the Notice of Motion which in my view sets out sufficient grounds for condoning the delay. In the circumstances, I pass the following order:-

(a) Delay in filing the written statement is condoned.

(b) The orders dated 29th January, 2014 and 9th April, 2014 passed

by the Prothonotary and Senior Master are hereby set aside.

(c) Defendants be directed to file the written statement in the Registry within a period of one week from today.

2. Notice of motion is accordingly disposed of.
3. There will be no orders as to costs.

(A. K. MENON, J.)

wadhwa