

VPH

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

APPEAL (L) No. 677 OF 2015
IN
SUIT No. 71 OF 2014
WITH
NOTICE OF MOTION (L) No. 2451 OF 2015

Shree Kaviraj Infratech Pvt. Ltd. & Ors. ... Appellants /
Applicants

Vs.

M. E. Project Pvt. Ltd. ... Respondents

Ms. Aparna Shinde, for the Appellants/ Applicants.

Mr. Pradip Thorat, for Respondent Nos. 1 and 2.

Mr. P. S. Hingorani, for Respondent No. 4.

CORAM : V. M. KANADE, &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : SEPTEMBER 14, 2015

PC.

1. The Appellants have challenged the order of the learned Single Judge, not permitting them to file written-statement, on account of delay of 9 months.

2. Learned counsel appearing on behalf of the Appellants (Original Defendant Nos. 1 & 3) submitted that written-statement & the counter-claim is ready. In our view, in the interest of justice it

would be appropriate if the delay caused in filing the written-statement and the counter-claim is condoned. However, while exercising inherent jurisdiction, we direct the Appellants to pay costs, which are quantified at Rs. 1,50,000/-, to be paid within a period of two weeks. Said costs be paid to the counsel appearing on behalf of the plaintiffs in the suit. If the said costs are not paid, the order passed in the appeal will be set aside and the impugned order passed by the learned Single Judge in the suit will be confirmed. The written-statement and the counter-claim to be taken on record within one week after the payment of costs. Appeal is disposed of in the aforesaid terms.

3. In view of disposal of the appeal, Notice of Motion No. 2451 of 2015 taken out therein does not survive, and is accordingly disposed of.

Sd/-

[Dr. SHALINI PHANSALKAR-JOSHI, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemth

CERTIFICATE

Certified to be true and correct copy of the original
signed Order.