

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

**NOTICE OF MOTION NO. 1390 OF 2014
IN
SUMMARY SUIT NO. 2145 OF 2009**

Directorate of Insurance, Maharashtra State
Maharashtra Government Insurance Fund,

..Applicant/
(Orig.Deft.No.2)

In the matter between :

Cummins Turbo Technologies Ltd. & Anr.

.. Plaintiffs

Vs.

Maharashtra State Warehousing Corporation
& Anr.

.. Defendants

Ms.Manish Pavly i/b R. Bhargavan for plaintiffs.
Ms.Uma Palsule-desai, AGP for defendant no.2.

**CORAM : K.R.SHRIRAM, J.
DATE : 30TH JUNE, 2015**

P.C.

1 This notice of motion is taken out on behalf of defendant no.2 to condone the delay of 173 days in filing the written statement and to take the written statement on record.

2 Neither the plaintiffs' counsel nor the counsel for defendant no.1 is present though served. The counsel for the applicant/defendant no.2 undertakes to file affidavit of service within one week from today. The undertaking is accepted. No reply has been filed by either defendant no.1 or the plaintiffs.

3 For the reasons mentioned in the affidavit in support, the delay is condoned. The office to accept the written statement which the counsel for defendant no.2 states will be filed in the office on or before 1.07.2015 and the office to take the same on record subject to removal of office objection, if any.

4 The notice of motion is allowed with no order as to costs.

5 Defendant no.1 has also filed the written statement. Therefore, the suit be listed for framing of issues on 15.07.2015. In the meanwhile, the parties to file their respective affidavit of documents and also complete discovery and inspection.

6 Despite the order passed by this Court on 9.06.2015, the plaintiffs do not appear to have reconstructed the record and proceedings in the suit. The plaintiffs are directed to do so as and by way of last chance before the next date. It is also made clear that by the next date if the direction to reconstruct is not complied with, the suit may get dismissed.

(K.R. SHRIRAM, J.)