

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
ORDINARY ORIGINAL CIVIL JURISDICTION.**

**NOTICE OF MOTION NO. 2099 OF 2015
IN
SUIT NO. 293 OF 2013**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. Harinder Toor a/w Ms. Nikita Jacob i/b S. K. Legal Asso. for the Applicant.

Mr. P. G. Lad for the Defendant no.2.

CORAM : K. K. TATED, J.

DATED : 22/12/2015.

PC.:

. Heard learned Counsel for the parties.

2 This Notice of Motion is preferred by Defendant No.2 MHADA for condonation of delay in filing written statement and setting aside the order dated 18.11.2014 passed by learned Prothonotary And Senior Master by which the matter transferred to undefended suit.

3 The learned Counsel for the Plaintiff vehemently opposed the present Notice of Motion. He submits that Defendant No.2 has not shown sufficient cause for condonation of more than 1 year delay.

4 Considering the submissions made by learned counsel for the Defendant No.2 and reasons disclosed in affidavit-in-support of Notice of Motion, I am satisfied that applicant has made out the case for allowing the Notice of Motion. But at the same time, they have to pay cost of Rs. 10,000/- to the Plaintiff or their Advocate within six weeks from today.

5 Hence, following order.

a) Delay in preferring Notice of Motion is condoned.

b) Order dated 18.11.2014 passed by learned Prothonotary And Senior Master is set aside.

c) Liberty granted to the Defendant No.2 to file their written statement on or before 08.01.2016 and serve copy on other side, failing which Notice of Motion shall stand dismissed without referring back to the court .

d) Defendant No.2 MHADA is directed to pay cost of Rs.10,000/- to the plaintiff or their Advocate on or before 29.01.2016 failing which Notice of Motion shall stand dismissed without referring back to the court .

e) Notice of Motion stands disposed of accordingly.

(K.K.TATED, J.)