

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

WRIT PETITION NO. 4077 OF 2016

AMO Communication Pvt. Ltd. ... Petitioner
Vs
Filament Productions India Pvt. Ltd. ... Respondent

Mr.Surel Shah a/w Ms.Khooshnum Daviervalva i/b Mulla & Mulla & CBC, for the Petitioner.

Mr.Shailesh P. Dalal i/b Dalal & Co., for the Respondent.

***CORAM : N.M.Jamdar, J.
Tuesday, 6 September 2016.***

P.C. :

Rule. Rule made returnable forthwith. Respondent waives service. Taken up for disposal by consent.

2. By this Petition, the Petitioner challenges the order dated 29 March 2016 passed by the learned City Civil Court Judge in Summary Suit No.825 of 2015, wherein an Application made by the Petitioner for grant of two weeks time to file reply to Summons for Judgment was rejected.

3. Considering the settled position that no litigant has a vested right for adjournments or for condonation of delay, the learned counsel for the Petitioner advanced a sole contention that the

Petitioner tenders unconditional apology for its lapse and is ready to pay costs and the Court may consider the case sympathetically. The learned counsel for the Respondent submitted that the Petition was not circulated for urgent orders and effectively if Petitioner is seeking condonation of delay of six months as on date.

4. In view of the unconditional apology tendered by the learned counsel for the Petitioner on behalf of his client, I am of the opinion that the opportunity be given to the Petitioner to put forth his reply on merits. The request made by the Petitioner to grant two weeks to file a reply was not unduly unreasonable and could have been granted by the learned Judge on payment of costs.

5. In the circumstances, Rule is made absolute in terms of prayer clause (c) subject to the Petitioner paying costs of ₹25,000 to the Respondent within period of four weeks from today.

(N.M.Jamdar, J.)