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

CIVIL REVISION APPLICATION NO. 341 OF 2016

Pioneer India Electronics Pvt. Ltd.	...Applicant
vs	
Rajesh Sadarangani	...Respondent

.....
Mr Debarshi Dutta a/w Mihir Tambe i/b Phoenix Legal for the
Applicant
Ms Ekta Pandey i/b Y and A Legal for Respondent No.1.
.....

CORAM : N.M.JAMDAR, J.

21 SEPTEMBER, 2016

P.C. :

Leave to convert the Revision Application into Writ Petition is granted. Amendment to be carried out during the course of day.

2 Heard learned counsel for parties. Considering the controversy involved, taken up for final disposal by consent of parties.

3 The Applicant challenges the order passed by the learned City Civil Court Judge, Mumbai dated 13 April 2016 refusing the time to the Applicant to file Written Statement.

Learned counsel for the Applicant submitted that the suit summons has not been served. Learned counsel for the Respondent submitted that the Applicant was represented through advocate and the Applicant being a Multi-National firm cannot be said to be unaware of the legal proceedings.

4 What is to be kept in mind is the extent of delay and whether the prejudice to be caused to the Respondent/ Plaintiff can be offset by imposition of costs or it is a case that prejudice cannot be offset in terms of the costs. The delay in filing the Written Statement is of 60 days. In the impugned order, learned Judge has not considered whether the equity can be balanced by imposition of costs, before straightway rejecting the request. The delay of 60 days is not so grave that even by imposition of suitable costs, the Written Statement cannot be allowed to be taken on record. In my opinion, the learned Judge has failed to exercise the jurisdiction, and therefore, the exercise need to be corrected. Accordingly, the Writ Petition is allowed in terms of prayer clauses (a) and (b) subject to payment of costs of Rs.25,000/- to the Respondent within a period of four weeks from today.

(N.M.JAMDAR J.)