

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

WRIT PETITION NO.11329 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms.Shaista Pathan with Feroj Qureshi i/b Yusuf and Associates for the for the Petitioner.

Mr.Ralton Fernandes for the Respondent no.1.

CORAM : K. K. TATED, J.

DATED : 1st JULY 2016

PC.:

. Heard learned Counsel for the parties.

2 This Writ Petition under Article 227 of Constitution of India is preferred by defendants challenging the order dated 27th February 2015 passed by Bombay City Civil Court, Bombay in Notice of Motion No.4075/14 in Short Causes Suit No.2467/12 for condonation of delay in filing the written statement. The trial Court in impugned order recorded that respondent plaintiffs filed their affidavit of evidence, documents and matter was kept for cross-examination. On 17th July 2014, Advocate Mr.Yusuf Iqbal for the defendants partly cross-examined the plaintiff's witness, and thereafter

matter was kept for further cross-examination on 25th August 2014. On 25th August 2015, defendant filed application for adjournment. Thereafter, the defendants preferred Notice of Motion for condonation of delay in filing the written statement.

3 Considering the fact that affidavit of evidence is already filed by the plaintiff, defendants started cross-examination of plaintiff's witness and completed the same. I do not find any reason to interfere with the impugned order passed by the trial Court.

4 Hence, Writ Petition is rejected.

5 At this stage, learned counsel appearing on behalf of the petitioner seeks stay of this order for some time. Same is vehemently opposed by the respondent considering the fact that plaintiff's evidence is already over and thereafter, petitioner filed application for condonation of delay in filing of written statement, I do not find any reason to stay this order.

Hence, oral request is rejected.

(K.K.TATED, J.)