

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

**NOTICE OF MOTION NO. 2273 OF 2016
IN
SUIT NO. 896 OF 2003**

Guru Shraddha Co-operative Housing
Society Ltd.

.. Applicant/Org.Deft.No.7

In the matter of :

1. Daiben Pitamber Paramar & Ors. .. Plaintiffs

Vs.

1. Kalidas Kanji Satwara
(since deceased)

1(a) Mrs.Naina Kalidas Satwara & Ors. .. Defendants

Mr.M.S. D'mellow for plaintiff.

Ms.Sheetal Mehta i/b Y.N. Adhia for defendant nos.3 and 4.

Ms.Smita Vora for defendant no.7-applicant.

**CORAM : K.R.SHRIRAM, J.
DATE : 22ND DECEMBER, 2016**

P.C.

1 This notice of motion is taken out by defendant no.7 to condone delay of 118 days in filing the written statement and to take the same on record. Shri D'Mello, appearing for the plaintiff states that he was served with a copy of the notice of motion and the affidavit in support only day before yesterday and hence he has not been able to file an affidavit in reply opposing the notice of motion. Shri D'mello states that his objection to the notice of motion be noted.

2 I have considered the affidavit in support. Though the suit was filed in the year 2003, defendant no.7-applicant has been added as party defendant pursuant to an order dated 6th October 2015 and the writ of summons was served upon defendant no.7 only on 26th November 2015. The applicant has also explained reasons for the delay of 118 days and the applicant being a co-operative society, the applicant had to take clearance from the committee members.

3 In view of this explanation, I am inclined to condone the delay and direct the registry to accept the written statement and take the same on record, subject to removal of office objections.

4 At this stage, the counsel appearing for defendant nos.3 and 4 seeks leave to file an additional written statement within two weeks from today.

Leave granted.

5 The notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)