

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

**NOTICE OF MOTION NO.1670 OF 2016
IN
SUIT NO.2280 OF 2007**

Hemant D. Shah & Ors.Applicants/Org. Defendants

IN THE MATTER BETWEEN :

Chittaranjan D. Shah & Ors.Plaintiffs

Vs.

Hemant D. Shah & Ors.Defendants

Mr. G.C. Mohanty i/b. A.A. Takalkar for the plaintiffs.

Mr. Riyaz Chagla i/b. M/s. Juris Consillis for the applicants/defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 21st DECEMBER, 2016

P.C.

1 Have heard the counsel for the applicants and also considered the affidavit in support of the notice of motion. The delay is of 142 days in filing the written statement.

2 Though I can not say that I am very very satisfied with the explanation given, since it is a dispute between two siblings and their respective families, in the interest of justice, I am inclined to condone the delay and direct the registry to accept the written statement, which the counsel for the applicants states has already been declared and ready to be lodged. The counsel for the applicants states that the written statement will be lodged and copy served upon the plaintiffs before the end of this week.

3 In view of the above, the delay is condoned. The registry to accept the written statement and take the same on record subject to removal of office objections.

4 The notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)