

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

**COMMERCIAL NOTICE OF MOTION NO.74 OF 2016
IN
SUIT NO.53 OF 2015**

M/s. Comfort Intech Ltd. & Anr.Applicant/Org. Def. Nos.2 & 3

IN THE MATTER BETWEEN :

M/s. Ravi Kumar Distilleries Ltd.Plaintiff

Vs.

M/s. Gulistan Vanijya Pvt. Ltd. & Anr.Defendants

Mr. Yuvraj Singh i/b. M/s. Desai and Diwanji for the plaintiff.

Mr. Sumedh Ramtake i/b. Mr. Ashok M. Saraogi for the defendant nos.2 and 3/applicant.

CORAM : K.R.SHRIRAM, J.

DATE : 15th DECEMBER, 2016

P.C.

1 This notice of motion is taken out to condone the delay in filing written statement.

2 The counsel for the plaintiff opposes the notice of motion. Heard the counsel and also considered the affidavit in support. Since the suit has been lodged on 20th December, 2013 and the plaintiff themselves applied for leave under Clause 12 only on 16th January, 2015 and in view of the statement made in the affidavit in support that the written statement has already been declared on 4th January, 2016, I am inclined to condone the delay and take the written statement on record.

3 The notice of motion accordingly stands disposed with no order as to costs.

4 The registry to accept the written statement which the counsel for the defendant nos.2 and 3 states will be lodged not later than 17th December, 2016 and take the same on record subject to removal of office objections.

5 The counsel for the plaintiff states that they will take steps to serve the defendant no.1 within two weeks from today. Statement accepted.

6 Suit be listed for directions on 6th January, 2017.

(K.R. SHRIRAM, J.)