

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

**NOTICE OF MOTION NO.2218 OF 2015
IN
SUMMARY SUIT NO.202 OF 2015**

M/s. Samarth Development Corpn. & Ors.

....Applicants/
Org. Defendants

IN THE MATTER BETWEEN :

M/s. Oshiwara Land Development Co. Pvt. Ltd.

....Plaintiff

Vs.

M/s. Samarth Development Corpn. & Ors.

....Defendants

Ms. Priyanka Kothari a/w. Ms. Siddhi Doshi i/b. M/s. Bilawala and Co. for the plaintiffs.

Mr. Aditya Shiralkar i/b. Mr. Kunal Bhanage for the defendant nos.1 to 3.

CORAM : K.R.SHRIRAM, J.

DATE : 21st DECEMBER, 2016

P.C.

1 This notice of motion is taken out to condone the delay in filing the written statement. It is stated that the delay is only of 16 days.

2 Ms. Kothari, counsel appearing for the plaintiffs strongly opposes and submits that these are only attempts to drag on the matter.

3 Mr. Shiralkar, counsel for the defendant nos.1 to 3 states that the written statement has already been declared on 16th December, 2015, the date on which this notice of motion has been take out. Mr. Shiralkar further states that copy of the written statement has already been served upon the plaintiffs on 16th December, 2015. Mr. Shiralkar further states that

the written statement will be lodged in the registry during the course of this week.

4 Mr. Shiralkar states that his instructing advocate is appearing for defendant no.3 as well, who will adopt the written statement filed by defendant nos.1 and 2. Mr. Shiralkar further states that defendant no.3 will file a short written statement adopting the written statement of defendant nos.1 and 2 and serve a copy thereof upon the plaintiffs within two weeks from today.

5 Be that as it may, the suit itself has been lodged some time in 2015. Therefore, in my view, the application can be granted.

6 The notice of motion is allowed and accordingly disposed in terms of prayer clauses – (a) and (b). The registry to accept the same and take the same on record subject to removal of office objections, if any.

7 The suit to be listed for issues on 6th February, 2017. In the meanwhile parties to file their respective affidavit of documents, complete discovery and inspection and also exchange their statement of admission and denial with reasons for denial.

(K.R. SHRIRAM, J.)