

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

CHAMBER SUMMONS NO.60 OF 2016
WITH
NOTICE OF MOTION NO.83 OF 2017
IN
COMMERCIAL SUIT NO.1 OF 2014

Srinathji Motors Pvt. Ltd. & Ors. .. Applicants

In the matter between:

Tata Motors Limited & Anr. .. Plaintiffs

Versus

Srinathji Motors Pvt. Ltd. & Anr. .. Defendants

Mr. Gaurav Joshi, Senior Advocate with Mr. Abhishek Khare i/b.
Khare Legal Chambers for plaintiffs
Mr. Deepak Arun Lad for defendants

CORAM : B.P.COLABAWALLA, J.

DATE : 1st November 2017.

P.C.

1] Not on board. By consent of parties taken on board.

2] This chamber summons has been filed by the defendants seeking condonation of delay of 310 days in filing written statement of the defendants. The explanation given for the delay in filing the written statement is more particularly set out in paragraphs 3 and 4

of the affidavit in support of chamber summons.

3] For the reasons stated in the affidavit in support, the delay in filing written statement of the defendant is condoned. The chamber summons is granted in terms of prayer clauses (a) and (b) subject to defendants jointly and /or severally paying cost of Rs.75,000/- to the plaintiff within a period of four weeks from today.

4] Needless to clarify that if the costs are not paid within the aforesaid period, this chamber summons shall stand dismissed without reference to the Court and the plaintiff shall then be entitled to apply to this Court for passing of an ex-parte decree.

5] Insofar as the Notice of Motion No.83 of 2017 is concerned, in view this order passed in chamber summons, nothing survives in the notice of motion at this stage and the same is, therefore, dismissed as having been rendered infructuous.

(B.P.COLABAWALLA, J.)