

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

**NOTICE OF MOTION NO.636 OF 2017
IN
SUIT NO.276 OF 2014**

Shachihata (India) Private Limited .. Applicant
(Orig. Deft. No.2)

In the matter between

Faber Castell Atkiengesellschaft & Anr. .. Plaintiffs

Vs.

Anup Bhaskaran Rana & Ors. .. Defendants

Ms.Meenakshi Iyer a/w Ms.Prachi Oza i/by M/s.Advaya Legal for the plaintiffs.

Ms.Ispita Sen i/by M/s.Gagrat for the defendant no.1.

Mr.Ankit Lohia i/by Mr.Gandhar Ulhas Raikar for the applicant/defendant no.2.

Ms.A. Mishra i/by M/s.AZB & Partners for the defendant no.3.

CORAM : R.D. DHANUKA, J.

DATE : 12th June 2017

P.C. :

. Not on board. Taken on board.

2. By this notice of motion, the applicant (original defendant no.2) seeks condonation of delay of 49 days in filing written statement and seeks permission to file written statement.

3. I have heard the learned counsel for the applicant and the original plaintiff. I have perused the affidavit in support of the notice of motion. There is no affidavit-in-reply is filed.

4. The applicant has though explained the delay in filing written statement, the same is not fully and satisfactorily explained. However, in the interest of justice, I am inclined to condone the delay of 49 days in filing written statement on the condition that the applicant pays a cost of Rs.10,000/- to the original plaintiff within two weeks from today.

5. I therefore pass the following order :-

- i) The notice of motion is made absolute in terms of prayer clauses (a) and (b) on the condition that the applicant pays a cost of Rs.10,000/- to the original plaintiff within two weeks from today as a condition precedent;
- ii) Office is directed to accept the written statement if filed by the applicant (original defendant no.2) after the payment of Rs.10,000/- is made to the original plaintiff;
- iii) Notice of motion is disposed of in aforesaid terms.

R.D. DHANUKA, J.