

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

NOTICE OF MOTION NO.1191 OF 2015

IN

SUIT NO.3015 OF 1996

M/s. United Corporation

....Applicant/Org. Def. No.2

IN THE MATTER BETWEEN :

Bhupendra C. Jhaveri

....Plaintiff

Vs.

S.Y. Jalgaonkar & Anr.

....Defendants

Mr. Gauraj Shah i/b. Dhanuka and Partners for plaintiff.

Mr. Rajesh Kachare a/w. Mr. Amit S. Potnis and Mr. Rohan Tamhane i/b. Tamhane and Co. for defendant nos.1(a) to 1(d).

Ms. Rasika Bagkar i/b. Bagkar and Co. for defendant no.2/applicant.

CORAM : K.R.SHRIRAM, J.

DATE : 31st JULY, 2017

PC.:

1 This notice of motion is taken out on behalf of defendant no.2. The prayer sought is to condone the delay and set aside the order dated 15th April, 2014 passed by the City Civil Court at Bombay to proceed without written statement.

2 Ms. Bagkar, counsel for applicant states that the suit itself has been transferred back to Bombay High Court and therefore, the Court permit defendant no.2 to file the written statement. Mr. Kachare, counsel for defendant nos.1(a) to 1(d) has no objection. Mr. Shah, counsel for plaintiff states that if the Court is inclined to take the written statement on record, applicant should be put to some terms.

3 Ms. Bagkar, counsel for applicant states that the written statement is ready and the same will be lodged in the registry and copy will be served on the other side by tomorrow, i.e., 1st August, 2017.

4 Registry to accept the same and take the same on record subject to removal of office objections. Applicant also to pay a sum of Rs.10,000/- as donation to Mumbai Police Welfare Fund and this amount to be paid within four weeks from today.

5 Notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)