IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.635 OF 2017
IN
COMMERCIAL SUIT NO.296 OF 2015

Aquafil Engineering GMBH ….Plaintiff
Vs.
UHDE India Pvt. Ltd. And 2 Ors. ….Defendants

Mr. Bimal Rajasekhar, i/b. Ashwin Shankar, for the Plaintiff.
Ms Krithika Anand, i/b. Dhurve Liladhar and Co., for Defendant No.1.
Mr. Jonathan Jose, a/w. Mr. Nishit Tanvar, i/b. Argus Partners, for Defendant No.2.
Mr. Aniket Lohia, a/w. Mr. Kunal Damle, i/b. Kunal Damle, for Defendant No.3.

CORAM : K.K. TATED, J.

DATE : 15th November, 2017

P.C. :

1. Heard the learned Counsel for the parties.

2. By this Notice of Motion, Defendant No.3 is seeking to set aside the order dated 21.09.2017 passed by the learned Prothonotary and Senior Master, whereby the above notice has been transferred to the list of Undefended Suits against Defendant No.3.

3. Learned Counsel for Defendant No.3 submits that there was a delay on their part to file written statement. He submits that their written statement is ready. The same was duly affirmed on 10.11.2017 and served the copy on other side. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay, if any, in filing the written statement and set aside the order dated 21.09.2017 passed by the learned Prothonotary and Senior Master, transferring the suit against Defendant No.3 as Undefended Suits.

4. Learned Counsel appearing on behalf of the plaintiff and Defendant No.1 vehemently opposed the present Notice of Motion.

5. Considering the submissions made by the learned Counsel for the plaintiff and Defendant No.3 and affidavit in support of the Notice of Motion, I am satisfied that Defendant No.3 has made out a case for allowing the present notice of motion. Hence, following order:

(a) Order dated 21.09.2017 passed by the learned Prothonotary and Senior Master, whereby the suit has been transferred to the list of Undefended Suits against Defendant No.3 is set aside.

(b) Liberty is granted to Defendant No.3 to file their written statement within one week from today.

(c) Notice of Motion stands disposed of accordingly.

(d) No order as to costs.

(K.K. TATED, J.)