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

**CHAMBER SUMMONS (L) NO. 342 OF 2017
IN
COMMERCIAL SUIT NO. 97 OF 2017**

Pranav Construction Systems Pvt. Ltd. ...Applicant

In the matter between

Diamond Iron & Steel Pvt. Ltd. ...Plaintiff

VS

Pranav Construction Systems Pvt. Ltd. ...Defendant

.....

Mr Nikhil Jayakar a/w Mr Levi Rubens, Mr Manish Acharya &
Ms Karishma Agarwal i/b Vigil Juris for the Plaintiff

Mr Kersi Dastoor a/w Ms Smiti Verma i/b Phoenix Legal for the
Defendant.

.....

CORAM : **B.P.COLABAWALLA, J.
NOVEMBER 24, 2017.**

P.C. :

This Chamber Summons has been filed seeking condonation of delay of 199 days in filing the Vakalatnama on behalf of the Defendant in the above Summary Suit. The explanation for this delay has been stated in the affidavit in support from paragraph Nos.4 to 10. The basic explanation given is that on account of shifting of the office of the Defendant, the papers and proceedings in this suit and which was served

upon the Defendant, were misplaced. It was only on 13th November, 2017 when the advocates for the Defendant intimated to the Defendant that the above suit was filed against the Defendant Company, they realized the existence of the present suit and thereafter have immediately filed the present Chamber Summons.

2 Though I find this explanation to be far from satisfactory, in order to ensure that the Defendant is not shut out from contesting the claim of the Plaintiff on merits, I am inclined to condone the delay subject to payment of the costs.

3 In these circumstances, the Chamber Summons is allowed in terms of prayer clause (a) subject to the Defendant paying to the Plaintiff either directly or through their advocates a sum of Rs.75,000/- towards costs within a period of one week from today. If the costs are not paid within the aforesaid period, the Chamber Summons shall stand automatically dismissed without further reference to the Court.

4 If the costs are paid, the Plaintiff shall be at liberty to

file the Summons for Judgment and serve a copy of the same on the Advocates for the Defendant. On receiving a copy of the Summons for Judgment, the Defendant shall file its affidavit-in-reply, if any, within a period of two weeks thereafter. The Chamber Summons is disposed of in the aforesaid terms.

(B. P. COLABAWALLA, J.)