

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

NOTICE OF MOTION NO.30 OF 2015

**IN
SUIT NO.50 OF 2014**

M/s. Sheth Developers Pvt. Ltd. and Ors.Applicants/Org. defendants

IN THE MATTER BETWEEN :

Ahluwalia Contracts India Ltd. and Ors.Plaintiffs

Vs.

M/s. Sheth Developers Pvt. Ltd. and Ors.Defendants

Mr. M.S. Bidaye, representative of plaintiff present.

Mr. Rashmin Jain i/b. Kanga and Co. for applicants/defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 17th JULY, 2017

P.C.:

1 This notice of motion is taken out for condoning the delay of 18 days in taking out this notice of motion, setting aside the order of the Prothonotary and Senior Master passed on 30th October, 2014 and to take the written statement declared about 40 days later on 10th December, 2014 on record.

2 The counsel for applicants states that the notice of motion has been served upon plaintiffs and also relies upon an affidavit of one Krishna Mhaskar affirmed on 15th January, 2015 confirming service on 14th January, 2015. No affidavit in reply appears to have been filed and the counsel for applicants states that they have not been served a copy either.

3 Therefore, having heard the counsel and having considered the affidavit in support of the notice of motion, I am inclined to condone the delay.

4 The delay is hereby condoned. Registry to accept the written statement and take the same on record subject to removal of office objections, if any.

5 Defendants of course have to be put to terms. Defendants to give a donation of Rs.25,000/- to Army Welfare Fund Battle Casualties within four weeks.

6 Notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)