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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6235 OF 2016

Cecilia Fernandes

...Petitioner

vs

Ida Fernandes & Ors.

...Respondents

.....

Mr Sunny Yadav I/b V.K.Damle for the Petitioner.

Mr Denzil D'mello for Respondent No.1.

.....

**CORAM : B.P.COLABAWALLA, J.
DECEMBER 03, 2018.**

P.C. :

Rule. Respondent No.1 waives service. By consent of Respondent No.1, rule is made returnable forthwith and heard finally.

2 The Petitioner in this petition is the original Defendant No.1 in the suit filed before the Trial Court, namely, S.C. Suit No. 9046 of 2000. The first Respondent herein is the Plaintiff and the only contesting Respondent in this Writ Petition.

3 By this petition, the Petitioner (first Defendant before the Trial Court) challenges the order dated 18th April, 2016 passed by the

Bombay City Civil Court at Bombay in Notice of Motion No.3038 of 2015 in Suit No.9046 of 2000. By the impugned order, the Notice of Motion filed by the first Defendant seeking condonation of delay in filing its Written Statement as well as praying that her Written Statement be taken on record was rejected by the Trial Court.

4 In this petition the only contesting party is the Plaintiff (Respondent No.1 herein). Learned advocate appearing on behalf of Respondent No.1 has fairly stated that since his application seeking amendment of the plaint in the suit pending before the Trial Court has been allowed today by my order passed in Writ Petition No.11443 of 2015, he has no objection if the Written Statement of the first Defendant is taken on the file of the Trial Court.

5 In view of the fair stand taken by Respondent No.1, the impugned order dated 18th April, 2016 is set aside and the Written Statement of Defendant No.1 is directed to be taken on file of the Trial Court.

6 It is made clear that once the amended plaint is served on Respondent No.1, she shall also be entitled to file additional Written Statement, if any, to the amended plaint. The Writ Petition is

disposed of in the aforesaid terms. There shall be no order as to costs.

7 Considering that the suit is of the year 2000, the Trial Court is requested to hear the suit as expeditiously as possible.

(B.P.COLABAWALLA, J.)