

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11979 OF 2016

Vinod Keshavji Faria	.. Petitioner
Vs.	
Daksha Prakash Shah and ors.	.. Respondents

Mr. Mayur Vinod Faria, for the Petitioner.
Mr. Aditya Thakkar a/w Mr. Deepak Shukla i/b M/s. Vinod Mistry & Co., for the Respondents.

CORAM : M.S.KARNIK, J.

DATE : 13th FEBRUARY, 2018

P.C. :

1. The petitioner - original defendant is challenging the order dated 12/12/2014 passed by the City Civil Court, Mumbai. By the impugned order, Notice of Motion taken out by the petitioner – original defendant for condonation of 661 days delay caused in filing written statement and taking on record affidavit in reply filed in summons for judgment as written statement to the Suit was dismissed. Learned Counsel for the respondents in all fairness submits that he has no objection if the

Notice of Motion No. 3057 of 2014 is allowed subject to payment of reasonable cost. In my opinion and in the interest of justice, subject to petitioner – original defendant paying cost of Rs.10,000/- to the plaintiffs within a period of 4 weeks from today, Petition can be allowed in terms of prayer clauses (a) & (b).

2. The Suit is of the year 2010. There is already delay on the part of the petitioner – original defendant in filing the written statement. The evidence- affidavit of the respondents – plaintiffs has already been filed in the year 2014. In this view of the matter, the trial Court is requested to dispose of the Suit as expeditiously as possible and preferably within a period of 10 months from today.

3. Writ Petition is accordingly allowed in the above terms.

(M.S.KARNIK, J.)