

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.491 OF 2018
IN
SUIT NO.179 OF 2016**

Mandar Kiran Master	...	Applicant
and		
Sanjay Rameshchandra Dayama	...	Plaintiff
versus		
Mandar Kiran Master and Ors.	...	Defendants

Ms. Bina Hemang Jariwala i/by M/s. Auroma Law, for Applicant/Defendant No.1.
Mr. Kailash Surve i/by Mr. Amit Sheth, for Plaintiff.

CORAM: S.J. KATHAWALLA, J.

DATE: 28th MARCH, 2018

P.C.:

1. Perused the Notice of Motion. The above Notice of Motion is taken out by Defendant No.1 for setting aside the order dated 04-09-2017 passed by the Prothonotary and Senior Master transferring the suit to the list of undefended Suit against Defendant No.1 and to condone the delay and allow Defendant No.1 to file Written Statement on record.

2. The learned Advocate for the Plaintiff states that delay in filing the written statement is not explained in the Affidavit in support of the Notice of Motion. However, he submits that the Court may allow the Notice of Motion subject to the payment of costs to the Plaintiff. The learned Advocate for the Defendant No.1 undertakes to pay costs of Rs.25,000/- to the Plaintiff within a period of two weeks

from today. In view thereof, the Notice of Motion is allowed in terms of prayer clauses (a) and (b) and the undertaking given by the Advocate on behalf of Defendant No.1 is accepted. The Written Statement of Defendant No.1 is taken on record. The above Notice of Motion is accordingly disposed of.

3. Place the Suit for Framing of Issues on 11-04-2018 before the ad-interim matters.

(S.J.KATHAWALLA, J.)