

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL NOTICE OF MOTION NO.494 OF 2019
IN
COMMERCIAL SUIT NO.1125 OF 2018**

Neotiss Ltd (formerly known as CST
Valinox ltd & thereafter Vallourec heat ..Plaintiff
Vs.
Tema India Ltd. ..Defendant/Applicant

Mr. Parag Khandhar a/w Ms Ankita Agarwal I/b DSK Legal for Plaintiff
Mr. Karl Shroff a/w Ms K. R. Daviervala I/b M/s Mulla and Mulla and
Craigie Blunt and Caroe for Defendant/Applicant in NMCD/494/2019

**CORAM : K.R.SHRIRAM, J.
DATE : 7th MARCH, 2019**

P.C.:

1 This notice of motion is for condoning the delay of 89 days, beyond 30 days provided under Order 8 Rule 1 of the CPC 1908. Writ of summons was served on 19th September 2018. Notice of motion has been lodged on 17th January 2019, which is 120th day. Written statement also has been declared on 17th January 2019. The reason for not filing the written statement within 30 days prescribed, can be found in paragraphs 4, 5, 6 and 7 of the affidavit in support.

2 I am satisfied with the explanation given in the affidavit in support. In my view, this is a fit case to condone the delay and direct the registry to take the written statement on record.

3 Notice of motion accordingly disposed.

4 Mr. Khandhar for plaintiff confirms having received a true copy of the written statement. Mr. Khandhar is pressing for costs. Defendants to pay a sum of Rs.10,000/- as costs to plaintiff and this amount to be paid by cheque drawn in favour of advocate on record for plaintiff. The amount to be paid within two weeks from today.

5 By 27th March 2019 inspection to be completed. If inspection is not given, such party will not be permitted to rely on any document, inspection of which has not been given. By 3rd April 2019 statement of admission and denial with reasons for denial to be exchanged. If the statement of admission and denial is not given, parties shall be deemed to have admitted the existence of all the documents of the other side.

6 Suit be listed for issues on 10th April 2019 on which date parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree. On the next date, if parties do not come with draft issues, they are put to notice that parties will be put to terms.

(K.R. SHRIRAM, J.)