

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No.1111 of 2019

IN

SUIT No.704 of 2013

Rajendra Vasudev Chhatpar ..Applicant.

In the matter between :

Ventures Real Infra Pvt. Ltd. ..Plaintiff.

Vs

Omprakash Amarchand Sehgal
& Ors ..Defendants.

Ms. Nutan Moily I/by Mr. Suresh P. Patil for the Plaintiff/Applicant.
Mr. Rohan Kelkar a/with Ms. Mohini D. Thorat I/by Mr. Anil D'Souza
for Defendant No. 1 (a) to 1 (c).
Mr. S.R. Tejpal a/with Mr. Dushyant Tejpal, I/by Tejpal & Co.,
Advocate for Defendant Nos. 2, 3 and 6 to 12.
Mr. Vijay Tawde for Defendant No.4/Applicant in NMS/1111/2019.
Ms. Hetal Patel for Defendant No.5/Applicant in NMS/1115/2019.

CORAM : B. P. COLABAWALLA, J.

DATED :- 18th June, 2019.

P.C. :-

(1) This Notice of Motion has been filed for taking the written statement of defendant No.4 on record. There has been a delay in filing this written statement for a period of four years and 183 days. The learned Counsel appearing on behalf of the plaintiff fairly stated that the written statement can be taken on record, subject to

defendant No.4 paying heavy costs.

(2) Having considered the affidavit in support of this Notice of Motion and the statement made on behalf of the plaintiff, this Notice of motion is allowed in terms of prayer clauses (a) and (b) which read thus :-

(a) That the pending hearing and final disposal of this suit this Hon'ble Court be pleased to set aside the order dated 16/9/2014 passed by the learned Prothonotary and senior Master against defendant No.4 to proceed suit undefended or without written statement in the above matter.

(b) That this Hon'ble Court be pleased to condone the delay of 1643 days (4 years and 183 days) in filing of the written statement and accept the written statement of defendant No.4 in this Hon'ble Court.

(3) It is made clear that defendant No.4 shall pay costs of Rs.25,000 either in the name of the plaintiff or in the name of the Advocate for the plaintiff within a period of two weeks from today, failing which this Notice of Motion shall stand dismissed without further reference to the Court.

(B.P. COLABAWALLA, J.)