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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM SUMMARY SUIT NO. 160 OF 2019**

SKC Trading Building Materials Pvt Ltd	...Plaintiff
<i>Versus</i>	
Nirmal Lifestyle (Kalyan) Pvt Ltd	...Defendant

**WITH
NOTICE OF MOTION (L) NO. 775 OF 2019
IN
COMM SUMMARY SUIT NO. 160 OF 2019**

Mr Amit Nikam, *i/b Chirag Sancheti, for the Plaintiff.*
Mr Atharva Dandekar, *with Mr Vishal Jathar, i/b MDP & Partners.*

CORAM: G.S. PATEL, J
DATED: 20th March 2019

PC:-

1. Notice of Motion (L) No. 775 of 2019 is by the Defendant to condone a delay of 25 days in entering appearance after service of the Writ of Summons. The Motion is by consent taken on board and called out for hearing and final disposal. It was served yesterday.

2. The reason for the delay is explained in paragraph 3, saying that some employees of the Defendant's legal department, who were looking after the various legal matters including this one, left the Defendant's services without properly handing over charge.

3. In my view, it would be to condone the delay and give the Defendant an opportunity to seek leave to defend. The delay is not inordinate. It is explained.

4. The Notice of Motion is made absolute, with the following additional directions:

- (a) The vakalatnama on behalf of the Defendant will be filed in the Registry on or before 25th March 2019.
- (b) The Plaintiff will file and serve a summons for judgment on the Advocates for the Defendant on or before 2nd April 2019.
- (c) An Affidavit in Reply is to be filed on or before 10th April 2019.
- (d) Affidavit in Rejoinder, if any, to be filed and served on or before 18th April 2019 and
- (e) The summons for judgment, the number of which will be communicated by the Advocates for the Plaintiff to the Court Associate of this Court will be listed for hearing and final disposal on 23rd April 2019.

5. Having regard to the delay already incurred the Defendant will not be entitled to any extension of time and its lawyers will not be entitled to even apply.
6. The Notice of Motion is disposed of in these terms.
7. The Notice of Motion is to be finally numbered for statistical purpose.

(G. S. PATEL, J)