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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 1573 OF 2018  
IN  
SUIT NO. 189 OF 2013**

|                                             |                |
|---------------------------------------------|----------------|
| M/s Monarch & Qureshi Builders & Developers | ...Applicant   |
| <b>In the matter between</b>                |                |
| Mangaldas Mulji Mody                        | ...Plaintiff   |
| vs                                          |                |
| Veera Land Development Corporation & Ors.   | ...Defendants. |

.....  
Mr Ajay Panicker I/b Ajay Law Associates for the Plaintiff.  
Mr Rajiv Narula a/w Ms Ekta Pandav I/b Jhanejani, Narula &  
Associates for Applicant/Defendant No.4  
.....

**CORAM : B.P.COLABAWALLA, J.  
JANUARY 30, 2019.**

**P.C. :**

This Notice of Motion has been filed seeking to set aside the order dated 11<sup>th</sup> October, 2017 passed by the learned Prothonotary and Senior Master of this Court directing that if the Written Statement is not filed by 8<sup>th</sup> January, 2018, the suit will be transferred to the list of undefended suits.

2           Mr Narula learned advocate appearing on behalf of Applicant / Defendant No.4 and at whose instance the present Notice of Motion has been filed, states that there was 10 days delay in filing

the Written Statement as the same was affirmed on 18<sup>th</sup> January, 2018. He, therefore, prays that this delay be condoned and the order dated 11<sup>th</sup> October, 2017 be set aside.

3            Having heard the learned advocate appearing on behalf of Applicant/Defendant No.4 as well as on behalf of the Plaintiff, I am satisfied that sufficient cause has been shown for condoning the delay as more particularly set out in the affidavit in support.

4            In these circumstances, the order dated 11<sup>th</sup> October, 2017 passed by the learned Prothonotary and Senior Master of this Court insofar as it relates to Defendant No.4, is hereby set aside. The Registry is directed to take the Written Statement on record. The same shall be filed in the Registry within a period of one week from today.

5            The Notice of Motion is disposed of in the aforesaid terms. No order as to costs.

**(B.P.COLABAWALLA, J.)**