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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.
IN ITS COMMERCIAL DIVISION

Dhanappa
I. Koshti

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Dhanappa I. Koshti
Date: 2019.10.10
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COMM NOTICE OF MOTION NO. 2208 OF 2019
IN
COMM IP SUIT NO. 543 OF 2019

M/s 7 Star Distilleries	...Applicant
In the matter between	
Brihan Karan Sugar Syndicate Pvt. Ltd.	...Plaintiff
vs	
M/s 7 Star Distilleries	...Defendant

.....

Mr Nikhil Sharma a/w Mr Aasif Navodia and Ms Vedangi Soman i/b
W.S.Kane & Co. for the Plaintiff
Mr Onkar Chandurkar a/w Mr Umesh B. Waydande i/b Akshay V.
Kamble for the Applicant/Defendant.

.....
CORAM : B. P. COLABAWALLA, J.
OCTOBER 09, 2019.

P.C. :

This Notice of Motion has been filed seeking a permission of this Court to take the Written Statement of the defendant on record after condoning the delay of 84 days. It is not in dispute that this Motion has been filed within a period of 120 days.

2 For the reasons stated in the affidavit in support of the Notice of Motion, the Notice of Motion is allowed in terms of prayer clause (a) which reads thus:-

“(a) That the Hon’ble Court be pleased to take the Written Statement of the defendant on record by condoning the delay of 84 days in filing the same.”

3 The condition precedent for granting this Motion is that the defendant shall pay the costs of Rs.25,000/- to the Tata Memorial Hospital, Mumbai within a period of 3 weeks from today and file a receipt on the record of this Court evidencing payment of costs. If the costs are not paid as stipulated above, this Notice of Motion shall stand dismissed without further reference to this Court. The learned advocate appearing on behalf of the applicant/defendant states that they shall serve a copy of the Written Statement on the advocates for the plaintiff within a period of three weeks from today. The said statement is accepted. The Notice of Motion is accordingly disposed of.

(B. P. COLABAWALLA, J.)