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

**COMMERCIAL NOTICE OF MOTION NO. 2131 OF 2019
IN
SUMMONS FOR JUDGMENT NO.16 OF 2019
IN
SUMMARY SUIT NO. 1330 OF 2018**

M/s. Oriental Manufacture	... Applicant / Defendant
<i>In the matter between</i>	
Bengal Mills Stores Supply Company	... Plaintiff
Vs.	
M/s. Oriental Manufacture	... Defendant

Ms. Ayodhya Patki, I/b Nitesh Bhutekar for the Plaintiff.
Mohan Rao for Defendant.

CORAM: R. I. CHAGLA, J.
DATE: 20TH SEPTEMBER, 2019

PC:-

1. This Notice of Motion is for condonation for delay of 22 days in filing the Affidavit in Reply on behalf of the Defendant to the Summons for Judgment. In paragraph 4 of the Affidavit in Support of the Notice of Motion, it is stated that the Director of the Applicant Company was hospitalised between 4th August, 2019 to 6th August, 2019 and necessary inputs and concurrence on certain factual aspects could not be procured within the prescribed time for filing reply under Order 37 of the Code of Civil Procedure, 1908. Accordingly, there has been a delay of 22 days in filing

Affidavit in Reply. I am satisfied with the averments in the said Affidavit.

2. The delay is accordingly condoned and Notice of Motion is made absolute in terms of prayer clauses (a) and (b).

3. The Applicant shall file the Affidavit in Reply in the Registry within a period of one week from the date of this Order.

4. Notice of Motion is accordingly disposed of in the above terms.

5. The Summons for Judgment is accordingly adjourned to 7th October, 2019.

(R I. CHAGLA, J.)