

Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.1 OF 2019

IN

COMMERCIAL SUIT NO.871 OF 2019

Jaithirth Rao and Anr.Applicants

In the matter between

DH Asia Investment Pte Ltd., SingaporePlaintiff

V/s.

Jaithirth Rao and Anr.Defendants

Mr. Nikhil Sakhardande, with Ms. Shubra Swami and Mr. Prabhav Shorff, i/by
AZB & Partners, for the Applicants–Original Defendant Nos.1 and 2.

Mr. Haabil Vahanvaty, with Ms. Pratiksha Basarkar, i/by Khaitan & Co., for
the Plaintiff.

CORAM : A.K. MENON, J.

DATED : 8TH NOVEMBER, 2019.

P.C. :

1. This interim application seeks condonation of delay in filing the written statement on behalf of defendant nos.1 and 2. The application is opposed on behalf of the plaintiff. The application sets out the fact that there is a delay of about 54 days in filing the written statement as on date of the interim application.

2. He submits that the application is filed within the overall period of 120 days. This fact is not disputed on behalf of the plaintiff.

3. Having perused the averments in the interim application and having heard learned counsel in support, I am of the view that the delay is liable to be condoned. Accordingly, I pass the following order :-

- (i) Interim Application is allowed in terms of prayer clause (a). Written statement to be filed during the course of the day today.
- (ii) Parties shall exchange affidavit-of-documents within three weeks from today.
- (iii) List the suit for framing of issues on 29th November 2019.

(A.K. MENON, J.)