

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

CHAMBER SUMMONS NO. 336 OF 2017

IN

COMMERCIAL SUIT NO. 432 OF 2016

SKF India Limited

**..... Applicant/
Org.Deft no.1**

IN THE MATTER BETWEEN

Leitwind Shriram Manufacturing Limited

..... Plaintiff

VERSUS

SKF India Limited & Ors.

..... Defendants

Mr.Nikhil Sakhardande, a/w. Ms.Pooja Kshirsagar, Mr.Pranay Chitale,
i/b. AZB & Partners for the Applicant in Chamber Summons.

Mr.Jaideep Singh Khattar, a/w. Mr.Haabil Vahanvaty, i/b. Khaitan &
CO. for the Respondents.

CORAM : R.D. DHANUKA, J.

DATE : 22nd FEBRUARY, 2019

P.C.

By this chamber summons, the applicant seeks condonation of delay of one day in filing written statement. Learned counsel appearing for the applicant invited my attention to the section 15(4) along with proviso thereto of the Commercial Court Act, 2015 and would submit that this suit was transferred from Original Side of this Court to the commercial court in view of the provisions of the said Act. He submits that in fact, there was no delay in filing written statement. He submits that in any event the delay of one day in filing chamber summons is explained in the affidavit in support of the chamber summons.

2. Learned counsel appearing for the plaintiff does not dispute that the provisions of section 15(4) of the Commercial Court Act, 2015 would apply to the facts of this case. Statement is accepted.

3. In my view, delay of one day is sufficiently explained in support of the chamber summons.

4. Chamber summons is accordingly made absolute in the aforesaid terms.

5. Office is directed to accept the written statement of the defendant no.1 on record.

6. There shall be no order as to costs.

[R.D. DHANUKA, J.]