

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO. 2 OF 2019
IN
COMM. SUMMARY SUIT NO. 1148 OF 2019**

Kavita Subhodh Hathi

...Applicant
(Defendant no.2)

In the matter between

Mayur Mangaldas Kothari

...Plaintiff

Versus

Estate of late Neeraj Vinayak Vora also spelt
as Neeraj Vinayak Vora through LRs Uttank
Vinayak Vora & anr.

...Defendants

Ms. Sheetal Kumar, i/b Nityoah Suneel & Associates, for the
Plaintiff.

Mr. Aarif Ali M. Ali, for the Defendants.

CORAM: N. J. JAMADAR, J.

DATED : 2nd DECEMBER, 2019

PC:-

1. Heard the learned Counsels for the parties.
2. This is an application for condonation of 17 days delay in filing Vakalatnama on behalf of the defendants. The writ of summons in Commercial Summary Suit No.1148 of 2019 was served upon the defendant no.2 - applicant on 20th September, 2019. However, the Vakalatnama could not be filed before 1st October, 2019 and it has been filed on 18th October, 2019 as the applicant – defendant no.2 is resides in Bhuj, State of Gujarat.

3. The plaintiff has resisted the application by filing Affidavit-in-reply and sought to contest the reasons assigned in the application.
4. Having regard to the averments in the application and the delay of 17 days in tendering the appearance after service of writ of summons, it would be expedient in the interest of justice to condone the delay. Hence, the application stands allowed in terms of prayer Clause (a).
5. The defendant – applicant is allowed to tender appearance in respect of the writ of summons. The vakalatnama filed on 18th October, 2019 be taken on record.
6. The plaintiff is at liberty to move for the summons for judgment.

[N. J. JAMADAR, J.]