

Dixit

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.3 OF 2019**

**IN**

**COMMERCIAL SUIT NO.1061 OF 2019**

|                                       |                |
|---------------------------------------|----------------|
| Jemish Donda                          | ....Applicant  |
| <i>In the matter between</i>          |                |
| Vipul D. Shah and Anr.                | ....Plaintiffs |
| V/s.                                  |                |
| Parinee Developers Pvt. Ltd. and Ors. | ....Defendants |

Mr. Vishal S. Shriyan for the Applicant-Original Defendant No.8.

Ms. Neha M. Shah, i/by Maniar Srivastava Associates, for the Plaintiffs.

**CORAM : A.K. MENON, J.**

**DATED : 2<sup>ND</sup> JANUARY, 2020.**

**P.C. :**

1. Mentioned. Not on board. Upon mentioning, taken on board.
2. This interim application seeks condonation of delay of 76 days in filing written statement on behalf of the applicant-original defendant no.8. On behalf of the plaintiffs, the learned counsel has instructions to oppose the application on the ground that the delay is not properly explained.
3. Having perused the interim application, the averments therein and

having heard the submissions at bar, I am of the view that subject to payment of costs the written statement shall be taken on file. Accordingly, I pass the following order :-

- (i) Interim Application is allowed in terms of prayer clause (a) and (b), subject to payment of costs of Rs.25,000/-. Costs to be paid to the plaintiffs within one week from today, failing which this order will be vacated forthwith thereafter and this interim applications shall stand rejected without further reference to the court.
- (ii) Interim Application is disposed in the above terms.

**(A.K. MENON, J.)**