

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

IN ITS COMMERCIAL DIVISION

CHAMBER SUMMONS NO. 295 OF 2019
IN
COMMERCIAL SUMMARY SUIT NO. 40 OF 2019

1) Ahuja Properties and Associates
& Ors. .. Applicants

In the matter between :

Gutka Exports through its
proprietor Hitesh Chunilal Gutka .. Plaintiff
Vs.

1) Ahuja Properties and Associates
& Ors. .. Defendants

Ms.Preeti Gada a/w. Ms.Disha Vardhan i/b Sudhir Shah and Associates
for plaintiff.

Ms. Sabita Bhowmik for defendants/applicants.

CORAM : N.J. JAMADAR, J.
DATE : 10th JANUARY 2020

P.C.

CHAMBER SUMMONS NO. 295 OF 2019

1. Heard the learned counsels for the parties.
2. This application is taken out for condonation of 13 days delay in entering appearance on behalf of the defendants after service of writ of summons in the summary suit.

3. An affidavit in reply is filed on behalf of the plaintiff and reasons ascribed for delay are sought to be contested. It is submitted on behalf of the plaintiff that the defendants have a full-fledged law department as hundreds of proceedings are instituted against the defendants.

4. There may be some substance in the submission on behalf of the plaintiff. However, having regard to the period of delay, which cannot be said to be inordinate, and the reasons assigned in the application, to the effect that the deponent Gautam Ahuja, who is a partner of defendant No.1-firm, was travelling and, therefore, could not take requisite steps to enter appearance, and to advance cause of substantive justice by providing an efficacious opportunity of hearing, the delay deserves to be condoned, subject to payment of costs of Rs.10,000/-.

5. Hence, the following order :-

(i) The chamber summons is made absolute in terms of prayer clause (a), subject to payment of costs of Rs.10,000/- by the applicants-defendants to the plaintiff within a period of one week from today.

(ii) The chamber summons stand disposed of.

COMMERCIAL SUMMARY SUIT NO. 40 OF 2019

1 Heard.

2 The plaintiff is at liberty to take out a summons for judgment within a period of one week from today and serve a copy on the defendants.

3 In the event, the summons for judgment is taken out and served on the defendants, the defendants shall file an affidavit in reply within a period of ten days of the service of the summons for judgment.

[N.J. JAMADAR, J.]