

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

NOTICE OF MOTION NO. 1767 OF 2015

IN

SUIT NO. 3 OF 2008

Shantilal Dungarshi Maru

.. Applicant
(Deft. No.11)

In the matter between :

Messers Bhoomitej Realtors

.. Plaintiff

Vs.

Raoji Y. Shahade

& Ors.

.. Defendants

Advocate for the plaintiff not submitted appearances.

Mrs. Yasmin E. Tavaría a/w. Mr. Abhishek Yadav for defendant No.7.

Mr. Anant B. Shende for defendant No.9.

Mr. Ajit Tamhane a/w. Mr. Ashish Ghadge, Mr. Rohan Tamhane, Ms. Gunjan Tamhane i/b Tamhane and Co. for defendant Nos. 10 and 11.

CORAM : N.J. JAMADAR, J.

DATE : 20th JANUARY 2020

P.C.

1. This notice of motion is taken out by defendant No.11 seeking condonation of delay in filing the written statement and permission to file the written statement verified on 13th October 2015.

2. This Court, by an order dated 20th August 2015, had directed the defendant No.11 to file written statement within four weeks from the service of the copy of the amended plaint on the defendant No.11.

3. It is submitted on behalf of defendant No.11 that though the written statement was verified on 13th October 2015, it could not be filed, as there was delay of four days.
4. For the reasons ascribed in the affidavit in support of the notice of motion, the delay in filing the written statement deserves to be condoned.
5. The notice of motion is made absolute in terms of prayer clauses (a) and (b).
6. The defendant No.11 is at liberty to tender the written statement verified on 15th October 2015 in the registry, till 24th January 2020.
7. The notice of motion stands disposed of.
8. The learned counsel for defendant No.9 submits that defendant No.9 intends to file an appropriate interim application seeking permission to file the written statement.
9. Three weeks time is granted.
10. The suit be listed on 18th February 2020.

[N.J. JAMADAR, J.]