

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

**NOTICE OF MOTION NO. 118 OF 2016
IN
COMMERCIAL SUIT NO. 133 OF 2016**

Siddhivinayak Realities Pvt.Ltd. ...Plaintiff
vs.
V. Hotels S Ltd. & Ors. ...Defendants

Mr.Iqbal Chagla, Senior Advocate with Jehaan Mehta, Parimal K. Shroff,
D.V. Deokar, Sachin Pandey and D.Parikh i/b. Parimal K. Shroff & Co. for
Plaintiff.

Mr.Rajesh H. Mirchandani for Defendants.

CORAM : S.C. GUPTE, J.

DATE : 27 NOVEMBER 2020

P.C. :

Notice of Motion No.118/2016 is for extension of time for filing of written statement. The written statement has already been tendered on 24 February 2017. It is admittedly within 120 days of service of writ of summons. The notice of motion is accordingly allowed by condoning the delay in filing of written statement and taking the written statement of the Defendant on record. The Defendant shall pay costs of the notice of motion of Rupees One lakh to the Respondent/Plaintiff. Such costs shall be paid within three weeks from today and shall be condition precedent.

2 The companion notice of motion (Notice of Motion No.119/2016) is the Defendant's motion for the summary judgment for dismissal under Order 13-A of the amended CPC on the ground of bar of

limitation. Learned Counsel for the Applicant/Defendant expresses his inability to proceed with the hearing as of now and seeks a short date.

3 S.O. to 7 December 2020 for hearing of Notice of Motion No. 119/2016. It is made clear that no accommodation will be granted to either parties on the next date. Office to take on record the Respondent/Plaintiff's reply to Notice of Motion No.119/2016. The same has already been served on the Applicant/Defendant.

4 This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(S.C. GUPTE, J.)