

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

NOTICE OF MOTION NO.579 OF 2018

IN

SUIT NO.803 OF 2016

The New Sea Glimpse Co-operative

Housing Society Ltd. & Ors.

.. Applicants

(Defendant Nos.1 to 4, 6 & 7)

In the matter between

Meenakshi Menon

.. Plaintiff

v/s.

The New Sea Glimpse Co-operative

Housing Society Ltd. & Ors.

.. Defendants

Mr. Archit Jayakar a/w Ms.Pooja Yadav & Anushka Agarwal i/b. Jayakar
& Partners for the plaintiff.

Mr. Mehul Shah for the applicants and defendant nos.1 to 4, 6 & 7.

CORAM : A. K. MENON, J.

DATED : 17TH FEBRUARY, 2021.

P.C. :

1. This is an application on behalf of defendant nos.1 to 4, 6 & 7 seeking condonation of delay in filing the written statement and counter claim of defendant no.1 society against the plaintiff. The plaintiff also seek to set aside the order dated 4th October, 2017

passed by the Prothonotary and Senior Master, transferring the suit in the list of undefended suits.

2. Heard the learned counsel for the parties. Perused the affidavit in support of the notice of motion. In my view, one opportunity can be granted to the defendants to file their written statements and counter claim but on terms. In view thereof, I pass the following order;

(i) Subject to costs of Rs.10,000/- to the plaintiff's Advocate, motion is allowed in terms of prayer clauses (a) and (b).

(ii) Notice of Motion is disposed in the above terms.

(iii) Written statement to be filed within two weeks from today.

(A. K. MENON, J.)