

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

**INTERIM APPLICATION NO. 2381 OF 2021
IN
COMMERCIAL SUMMARY SUIT NO.85 OF 2021**

Samir N. Bhojwani And Anr.

...Applicants
(Org. Defendants)

IN THE MATTER BETWEEN :-

Savita Hemrajani

...Plaintiff

vs.

Samir N. Bhojwani And Anr.

...Defendants

Mr. D. V. Deokar with Mr. D. Parikh i/by Parimal K. Shroff & Co., for
the Applicants/Original Defendants.

Adv. Aastha Mehta i/by M/s. Dhru & Co. for the
Respondent/Original Plaintiff.

CORAM : N. J. JAMADAR, J.

DATE : 20th OCTOBER, 2021

P.C.:

1. Heard the learned counsel for the applicants-defendants
and the learned counsel for the plaintiff.

2. This application is taken up for condonation of 13 days
delay in entering appearance in response to the service of writ of
summons in the summary suit.

3. In paragraph No.5 of the application the applicants have
sought to ascribe reasons for not entering the appearance within
the stipulated period. Having regard to the reasons assigned in the
application, it does not appear that the delay was intentional or

there is want of bonafide. In any event, it would be expedient in the interest of justice to allow the applicant to enter appearance and seek leave to defend so as to determine the lis on merits. Inconvenience caused to the plaintiff can be compensate by awarding costs. Hence, following order :-

ORDER

- 1] The application stands allowed in terms of prayer clause (a) subject to payment of costs of Rs. 10,000/- by the applicants to the plaintiff within a period of one week.
- 2] Once the applicants/defendants pay the cost and enter appearance, the plaintiff is at liberty to take out summons for Judgment.
- 3] Upon the applicants' compliance with direction to pay the costs, the Vakalatnama filed on behalf of the applicants/defendants, in this interim application, may be treated as an appearance in the suit.
- 4] Interim application stands disposed of.

(N. J. JAMADAR, J.)

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