

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

**INTERIM APPLICATION NO.572 OF 2023
IN
SUIT NO.179 OF 2022**

Snehal Amit Sheth & Ors.	.. Applicants
<u>In the matter between</u>	
Dev Smruti Co-operative Housing Society Limited	.. Plaintiff
v/s.	
Jogeshwari Co-operative Housing Society Limited & Ors.	.. Defendants

...

Mr. Malcolm Siganporia a/w Paras S. Gosar i/b. Jayesh R. Vyas for the plaintiff.

Mr. Hitesh R. Solanki i/b. Manoj & Ashok Associates for the applicants.

...

CORAM : KAMAL KHATA, J.

DATED : 22ND JUNE 2023.

P.C. :

1. This Interim Application is for condoning the delay of 81 days in filing the written statement of defendant nos.5 to 7 (i.e. applicant nos.3 to 5) and for deleting their names from the list of undefended Suits and be transferred to the list of defended Suits.

2. For the reasons set out in the application, I am inclined to condone the delay and I pass the following order;

(i) Application is allowed in terms of prayer clauses (b) and (c).

(ii) Reply to be taken on record.

(iii) No order as to costs.

(iv) All contentions of the parties are kept open.

(v) Parties to act on an authenticated copy of this order.

(KAMAL KHATA, J.)