

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10833 OF 2023

Sadbhav Infrastructure Project Ltd. ... Petitioner
V/s.
Swarna Buildcon Pvt. Ltd. ... Respondent

Mr. Pankaj Savant a/w Ms. Neha Bhosale, Adv. A Divadkar i/b NDB Law for
the Petitioner.

Mr. Sachin Hande for the Respondent.

CORAM : M. M. SATHAYE, J.

DATED : 8 MARCH 2024

P.C.:

1. Heard learned Counsel for the Petitioner and learned Counsel for the
sole Respondent.

2. The Petition is filed seeking the following prayers:

*"(a) That this Hon'ble Court be pleased to issue a Writ of
Certiorari or a Writ in the nature of any other appropriate
writ, order or directions quashing and setting aside the
order dated 8th February 2022 passed by the learned
District Court, Pune below application Exhibit 24 in
Commercial Suit No. 23 of 2021 and the written
statement in Commercial Suit No. 23 of 2021 already
filed by taken on record.*

*(B) In the alternative to prayer clause (A), this Hon'ble
Court may be pleased to direct the learned District Court
to hear and decide the application dated 20th April, 2022
for condoning the delay in permitting the Petitioner's
written statement filed to be placed on record in
Commercial Suit No. 23 of 2021".*

3. It appears that by Order dated 8 February, 2022, Petitioner's application praying time to file Written Statement was rejected.

4. Learned Counsel for the sole Respondent states that he has no objection if the prayer clause (B) is granted. Hence, the Petition is allowed in terms of prayer clause (B) only, as mentioned above.

5. All contentions of both the parties in the application for condonation of delay referred in prayer clause (B) above, are kept open.

6. Considering the fact that on 5 September, 2023, this Court had granted stay to the further proceedings of Commercial Suit No. 23 of 2021 pending before the District Court, Pune and further considering the fact that now the District Court is directed to hear the Application for condonation of delay, the said stay shall continue till the application for condonation of delay is heard.

7. The Writ Petition is disposed of in above terms. No order as to the costs.

(M. M. SATHAYE, J.)