

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 1343 OF 2024

IN

SUIT NO. 237 OF 2023

Vimla Apartment CHS Ltd ...Applicant

IN THE MATTER BETWEEN

MK Builders & Ors ...Plaintiffs

Versus

Tejpal Alias Sanjay Jay Sinha Kajaria & Ors ...Defendants

Ms Savita Sawalkar, i/b M/s Tamhane & Co, for the Applicants.

Mr Meet Vora, i/b Darshana Gangar, for Applicant/Defendant No. 1.

Ms Purva Basrur, i/b DM Legal Associates, for Defendants Nos. 2 to 5.

CORAM. ARIF S. DOCTOR, J

DATED. 23rd August 2024

PC:-

1. This is an application for condonation of delay in filing of the Written Statement of the 1st Defendant.

2. The Learned Counsel appearing on behalf of the Plaintiffs submits that the explanation given in paragraphs 3 and 4 of the Interim Application is not sufficient in as much as the same does not reflect why or on what account the 1st Defendant was precluded for filing the

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Written Statement within a period of time but in fact shows that there was inadvertence on the part of the 1st Defendant. She does not however chose to file an Affidavit opposing the condonation of delay and leaves the same to the discretion of the Court.

3. After having heard the Learned Counsel for the Applicant as also for the 1st Defendant, I find that given the averments made in the Interim Application, sufficient cause has been made out to condone the delay. However, the same shall be subject to an order of costs in the sum of Rs.10,000/- to be payable to the Indian Army Welfare Fund.

4. The office is directed to take on record Written Statement on proof of the costs being paid.

(ARIF S. DOCTOR, J)