

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 2289 OF 2024

IN

SUIT NO. 280 OF 2023

Viswanathan Durgadethan

... Applicant

Versus

Mallika Gupta

... Respondent

WITH

INTERIM APPLICATION (L) NO. 26396 OF 2024

IN

INTERIM APPLICATION NO. 2289 OF 2024

Mr. Mohan Bir Singh alongwith Mr. Rahul Jalan instructed by MBS & Co., Advocate for the Applicant.
Mr. Ankit Tiwari instructed by V.B. Tiwari & Co., Advocate for the Respondent.

CORAM : ABHAY AHUJA, J.
DATE : 18 DECEMBER 2024

P.C. :

1. Pursuant to the order dated 27th November 2024, today when the matter is called out, one Mr. Tiwari, learned Counsel, appears for the Respondent/Defendant in pursuance of the notice issued by the Registry of this Court and seeks time to file reply to the Interim Application.

2. Mr. Mohan Bir Singh, learned Counsel, appears for the Plaintiff/Applicant and submits that despite several notices and opportunities, none had appeared and therefore, this Court had on 27th November 2024 directed the Registry to serve a copy of this order as well as the earlier order dated 9th October 2024 upon the Respondent indicating to the Respondent/Defendant that if no reply is filed as directed, this Court would proceed to make the Interim Application absolute in terms of prayer clause (b) and that therefore, no indulgence can be granted to the Respondent/Defendant today. That if at all any indulgence is granted, the same should be subject to costs.

3. It is observed that earlier on 9th October 2024 after noting that despite service none had appeared, ad-interim relief in terms of prayer clause (b) was granted and time was granted to the Respondent/Defendant by the said order to file reply to the Interim Application and the matter was listed on 27th November 2024.

4. Thereafter, when the matter was called out on 27th November 2024, despite service of the order dated 9th October 2024 to the Respondent/Defendant, none appeared on behalf of the Respondent/Defendant nor any reply was filed and it was submitted before this Court on behalf of the Applicant/Plaintiff that the Interim Application be made absolute in terms of prayer clause (b). However,

despite noting that no vakalatnama or no reply had been filed, this Court had directed the Registry to serve a copy of order dated 27th November 2024 as well as 9th October 2024 upon the Respondent/Defendant indicating to the Respondent/Defendant that if no reply is filed as directed by the said orders, this Court would proceed to make interim application absolute in terms of prayer clause (b).

5. Today when the matter is called out as noted above, time is being sought by the Advocate submitting that he has just been appointed and no reply of the Applicant/Petitioner is filed and only time is being sought. Therefore, considering the aforesaid, this Court is of the view that time can be granted only subject to payment of costs of Rs.50,000/- by the Respondent/Defendant to the Applicant within a period of one week.

6. Let the reply to the Interim Application be filed within a period of two weeks on payment of costs, failing which the Interim Application No.2289 of 2024 be made absolute in terms of prayer clause (b).

7. List for compliance on **12th February 2025**.

(ABHAY AHUJA, J.)