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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 2322 OF 2024
IN
SUIT NO. 170 OF 2024

Godrej & Boyce Manufacturing Co Ltd ...Applicant
In the matter between
Regina Alex Pereira & Ors ...Plaintiffs
Versus
Godrej & Boyce Manufacturing Co Ltd ...Defendant

Ms Naira Jejeebhoyi, i/b Bachubhai Munim & Co, for the Applicant/
Defendant.

Mr Vincent Pereira, for the Plaintiffs.

CORAM: ARIF S. DOCTOR, J
DATED: 14th August 2024

PC:-

1. By the captioned Interim Application, a condonation of delay of 55 days is sought to be condoned in filing of the Written Statement.
2. Ms Jejeebhoy, Learned Counsel appearing for the Applicant/Defendant submits that the delay has arisen on account of the fact that the Suit seeks specific performance of an Agreement of Sale which is dated 21st December 1948. She submits that given that this Agreement is stated to have been executed more than 75 years ago, the Applicant/Defendant took time to collate and trace the various papers

from the record which were extremely old. She submitted that these papers were not readily available and thus it was in the process of tracing these papers that the delay was occasioned. She also submitted that the delay was neither intentional or deliberate and, therefore, ought to be condoned by this Court in the interest of justice and to enable the Defendant to contest the Suit on merits.

3. Learned Counsel appearing on behalf of the Plaintiffs opposes the present application by submitting that no sufficient cause for the delay has been spelt out. He submits that the Defendant had in fact replied to the Plaintiffs Advocate's notice in November 2021 and, therefore, in fact were in possession of all the necessary documents. It is basis this he submits that no sufficient cause for condonation of delay has been made out.

4. After having heard Learned Counsel and perusing the averments made in the Interim Application, I find that sufficient cause for condonation of delay has been made out. The delay has been explained and clearly the same cannot be attributed to any indolence on the part of the Defendants. The Plaintiff's contention that the Defendant had in its possession all the necessary documents since the Defendant had responded to the Plaintiff's notice in November 2021 is the mere *ipsi dixit* of the Plaintiff.

5. The Learned Counsel appearing on behalf of the Plaintiff did not substantiate this contention in any manner. Thus, I find that the interest of justice and to enable the Defendant to defend the Suit on merits would require me to condone the delay and it is accordingly condoned.

6. The Interim Application is allowed in terms of prayer clauses (a) and (b), which read as follows:

“(a) that the Written Statement of the Applicant (Org. Defendant) be taken on record.

(b) that the delay of 55 days in filing the Written Statement be condoned.”

7. The Interim Application is disposed of in these terms.

(ARIF S. DOCTOR, J)