

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO.1490 OF 2025
in
COMMERCIAL SUTT NO.121 OF 2024**

ICICI Bank Limited | **Applicant**

IN THE MATTER BETWEEN

Star Brilliant | **Plaintiff**

vs.

ICICI Bank Limited | **Defendant**

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Mr. Zal Andhyarujina, Senior Advocate, Mr. Mayur Bhojwani, Ms. Dhamini Nagpal and Ms. Rutvi Soni i/b Manilala Kher Ambalal & Co., for Applicant/Defendant.

Mr. Sunny Shah a/w Mr. Akshay Suresh i/b Ashwin Ankhad & Associates, for Plaintiff.

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CORAM : ARIF S. DOCTOR, J.

DATE : 2nd MAY, 2025.

P.C.

1. The present Interim Application seeks condonation of delay in filing of the written statement by the defendant. Delay in this case is substantial. However, the same has been explained in paragraph 5 of the Interim Application.

2. The Interim Application was opposed by Mr. Shah, learned Counsel appearing on behalf of the respondent/plaintiff. However, after arguing the matter at some length, Mr. Shah submitted that in the event, the Court was inclined to take the written statement on record, the same be taken subject to order of costs.

3. Given the facts of the present case, delay has been sufficiently explained in my view as held by the Hon'ble Supreme Court in case of **Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academay and others**,¹. Substantial interest of justice would be served if the written statement is taken on record and the suit is then heard on merits. However, given the delay, in my view, an order of costs must follow. Hence, Interim Application is allowed in terms of prayer (a) subject to payment of costs of Rs.1,00,000/- to the respondent/plaintiff within a period of two weeks from today.

4. Interim Application stands disposed of in the aforesaid terms

[ARIF S. DOCTOR J.]

¹ 2013 (12) SCC 649