

Kavita S.J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.1701 OF 2025

IN

SUIT NO.284 OF 2024

Devdatta Balkrishna Salvi

...Applicant/
Org. Defendant No.1

In the matter between:

Dulariben Jitendra Gandhi & Ors.,

...Plaintiffs

Versus

Devdatta Balkrishna Salvi & Ors.,

...Defendants

Mr. Santosh Jagtap a/w Mr. P.B. Kadam for Applicant/Original Defendant No.1.

Mr. Duj Jain a/w Ms. Bhagyashree Anklesaria i/b Kiran Jain & Co., for the Plaintiffs.

Ms. Geeta R. Shastri for Defendant No.3.

CORAM : R.I. CHAGLA, J.

DATED : 18th AUGUST, 2025.

ORDER :

1. By this Interim Application, the Applicant/Original Defendant No.1 has sought for condonation of delay of 101 days in filing the Written Statement and for taking of the Written Statement on record in the captioned Suit.

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2. The Applicant has stated that the Writ of Summons was served upon Defendant No.1 on or around November, 2024 and Written Statement was filed online on 7th October, 2024 which was not taken on record for technical reasons and rejected for want of praecipe. The Applicant states that there was inadvertence on the part of his Advocate on record and due to bonafide mistake of his Advocate, Written Statement could not be filed on record and necessary steps could not be taken. Accordingly, there was delay of 101 days in filing the Written Statement.

3. The Applicant has stated that no prejudice would be caused to the Plaintiff if the Written Statement is taken on record in the above matter by condoning the delay.

4. Considering that delay in filing of Written Statement of the Applicant/Original Defendant No.1 is inadvertent and / or not deliberate but by the reason of the Advocate for Applicant not filing praecipe for taking of Written Statement on record and on account of technical reason, the Applicant ought not to be made to suffer on account of default on the part of his Advocate on record.

5. In view thereof, the following order is passed:

- (i) Delay of 101 days in filing the Written Statement is condoned.
- (ii) The Registry shall accept the Written Statement.
- (iii) The Interim Application is accordingly disposed of.

[R.I. CHAGLA, J.]