

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2025.11.12
14:39:53 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 2047 OF 2025

IN

SUIT NO. 288 OF 2024

Chanchal Pandey

... Applicant

Versus

Sterling And Wilson Renewable Energy Limited ... Respondent

.....
Mr. Anand Jagmalani instructed by Vis Legis Law Practice, Advocate for the Applicant.

Ms. Hita Chandarana instructed by Desai and Diwanji, Advocate for the Plaintiff.

.....

CORAM : ABHAY AHUJA, J.

DATE : 11 NOVEMBER 2025

P.C. :

1. This Interim Application seeks condonation of delay of 87 days in filing the written statement on behalf of the Defendant after setting aside the order dated 22nd June 2025 passed by the Registrar, transferring the suit to the list of undefended suits.

2. Mr. Jagmalani, leaned Counsel, appears for the Applicant and submits that the writ of summons was served on 2nd December 2024. The 30 days' period for filing of written statement under Order VIII Rule 1 of the Code of Civil Procedure, 1908 expired on 31st December

2024. That the period to file the written statement is extendable upto 90 days, subject to obtaining leave of the Court.

3. Mr. Jagmalani submits that the Interim Application has been filed on 26th February 2025 which is within the 90 days' period. Mr. Jagmalani draws this Court's attention to paragraphs 5 to 9 of the Application in support of his contentions and submits that the delay is unintentional and that this Court may therefore allow the Application.

4. Ms. Chandarana, learned Counsel, appears for the Plaintiff has no objection if the Interim Application is allowed.

5. Having heard the learned Counsel and having considered their submissions in the light of the explanation given in paragraph 5 to 9 of the application and considering that the 90 days' period ends on 3rd March 2025, whereas the Interim Application has been filed on 26th February 2025, the order dated 12th June 2025 passed by the Registrar is set aside. The delay of 87 days is condoned. The written statement be taken on record and copy of the same be served within a period of three weeks.

6. The Interim Application accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)