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

INTERIM APPLICATION NO. 4593 OF 2025

IN

SUIT NO. 272 OF 2024

**The Collector of Stamps,
Kurla Collector of Stamps, Kurla, Mumbai**

...Applicant

IN THE MATTER BETWEEN

Brian Joseph Lewis

...Plaintiff

V/s.

Dr. Prithvipal Rajaram Chavan and Ors.,

...Defendants

Ms. Sapna Krishnappa for Plaintiff

Mr. G. O. Giri i/b Ms. Komal Punjabi for Defendant No.3 B.M.C.

Mr. Suraj Gupte, AGP for State of Maharashtra for Applicant/Defendant No.5

CORAM : FARHAN P. DUBASH, J.

DATE : 3rd OCTOBER 2025

ORDER :

1. The present Interim Application has been taken out by Defendant No. 5/Applicant herein, seeking condonation of 220 days delay in filing its Written Statement.

2. Mr. Gupte, learned Counsel appearing on behalf of the Applicant invites this Court's attention to the averments contained in the present

Interim Application and submits that the Applicant, being the Collector of Stamps was required to undertake several administrative steps for taking approval. He further submits that in order to file the said Written Statement, the Applicant was required to search voluminous old documents and records. He therefore submits that the Applicant took additional time of 220 days for finalizing and filing the said Written Statement and prays that the delay in filing it, be condoned.

3. Ms. Krishnappa, learned Counsel appearing on behalf of the Plaintiff opposes the Interim Application and submits to the orders of this Court.

4. After hearing the parties and perusing the averments made in the present Interim Application, this Court is satisfied with the reasons, grounds and explanation mentioned therein. Accordingly, this Court deems it fit and proper to condone the delay of 220 days in filing the Written Statement by Defendant No. 5. However, this shall be subject to Defendant No. 5 making payment of a sum of Rs. 10,000/- to the Plaintiff, as costs for this indulgence. This payment shall be made, on or before 4th November 2025.

5. Subject to Defendant No. 5 producing the receipt evidencing this payment within the prescribed timelines, the Written Statement of Defendant No. 5 dated 11th August 2025 shall be permitted to be filed in the Registry of this Court and the same shall be taken on record. Thereafter, a copy of the

same shall also be served by Defendant No. 5 on all parties.

5. Interim Application No. 4593 of 2025 is disposed of in terms of the above order.

6. The attention of this Court was thereafter invited to an Interim Application bearing No. 4851 of 2025 taken out by the said Defendant No. 5 seeking rejection of the plaint. Ms. Krishnappa, however states that a copy of this Interim Application has not yet served on her client. This position is disputed by Mr. Gupte, who submits that notwithstanding such earlier service, a copy of the said Interim Application will once again be served on the Plaintiff within a period of one week from today viz. on or before 10th October 2025. Plaintiff may file its reply thereto on or before 7th November 2025. Rejoinder, if any, may thereafter be filed within a period of two weeks viz. on or before 21st November 2025.

7. Interim Application No. 4851 of 2025 shall now be listed on 28th November 2025 for consideration.

(FARHAN P. DUBASH, J.)