

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 6434 OF 2025
IN
COMMERCIAL SUIT NO. 107 OF 2024

Shirodkar Infrastructure

...Applicant

Versus

Vishakha Regency Co op Hsg Soc Ltd

...Respondent

Mr. Sanjiv Sawant *a/w. Abhishek Matkar, for the Applicant.*

Mr. Vishal Mehta *a/w. Ms Manashvi Shah i/b. M/s. MV Law Partners, for Defendant No.1.*

Mr. Hemant Mehta *a/w. Mrs. Jinal Mehta & Ms Anamika Tiwari i/b. Mehta & Co., for Defendant No.2.*

CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : NOVEMBER 19, 2025

ORDER :

1. This Application seeks condonation of delay of 321 days from the date of numbering of the Suit and 35 days after the last listing before this Court, for service of the writ of summons.
2. Having heard the parties, while much has been said about each party's contentions, including on applicable law, it is seen that the parties indeed engaged in a hearing of an Interim Application, after which eventually, the matter sought to be resolved by mediation on

June 18, 2025. The mediation was held on three dates, i.e. July 17, 2025, August 7, 2025 and August 12, 2025 and eventually, a failure report was filed on September 3, 2025.

3. Since the Suit was numbered on November 5, 2024, the Applicant ought to have ensured that the writ of summons was served even while mediation was pending. The submission on behalf of the Defendants is that the pendency of mediation ought not to have led to a delay in serving the writ of summons. It is also pointed out that in any case, the time limit of removal of office objections has not also not been met, and ideally this Suit should have been dismissed for non-removal of office objections.

4. Considering that another Bench of this Court, after hearing the parties thought it fit to refer the parties to mediation and the parties had indeed engaged mediation, in my opinion, in the interest of justice, it would be appropriate to allow the Application, subject to payment of costs in the sum of Rs.25,000/- to each of Defendant No.1 and Defendant No.2.

5. Interim Application is ***disposed of*** in the aforesaid terms.

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]