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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 7689 OF 2025
IN
COMMERCIAL SUIT NO. 30 OF 2015**

Anjani Sinha ... Applicant

In the matter between

Indian Bullion Market ... Plaintiff

Association Limited

Vs.

SNP Designs Private Limited ... Defendants

and others

Mr. Arvind Lakhavat i/b. Mr. Abhijeet Marathe for the Plaintiff
in the suit and for Defendant in IA/7689/2025.

Mr. Rajendra Jain for Defendant Nos. 2 and 3/Applicant.

CORAM : GAURI GODSE, J.

DATE : 16th DECEMBER 2025

ORDER :

1. This application is filed by defendant nos. 2 and 3 for permission to file affidavit of admission and denial of the documents. By order dated 6th June 2022 the defendants were permitted to present the admission and denial on 13th June 2022. The affidavit of admission and denial is not presented within the time granted by the court. Hence, this application is filed for extension of time and permission to file an affidavit of admission and denial.

2. Learned counsel for defendant nos. 2 and 3 relies upon the contents of the application to support his submissions that when he came on record some time in November 2025 he noticed that the admission and denial is not presented as directed by order dated 6th June 2022. Hence, he has taken steps to file the affidavit of admission and denial. He submits that no prejudice would be caused to the plaintiff if the defendant nos. 2 and 3 are permitted to file affidavit.

3. Learned counsel for the plaintiff opposes the application on the ground that there is no explanation for not complying with order permitting the defendants to present their admission and denial. He submits that it was only when this court was about to start marking of documents, that a request was made on behalf of defendant nos. 2 and 3 that a separate application is filed seeking permission to file statement of admission and denial. Hence, this attempt is only to delay the hearing of the suit.

4. Learned counsel for the plaintiff points out that in the copy of the statement of admission and denial annexed to the application, defendant nos. 2 and 3 have also added remarks and reasons for denial of the documents. Since the

suit has proceeded without written statement of defendant nos. 2 and 3, the said defendants cannot be permitted to add comments under the garb of filing statement of admission and denial.

5. I have perused the papers and the proceedings. After 6th June 2022 the suit has not been taken up for further hearing till 24th September 2025. On that date the suit was adjourned to 10th November 2025 for marking of documents. On 10th November 2025 the suit was adjourned at the request of the plaintiff for filing two separate list for the original documents to be produced and the certified copies. On the next date, i.e. 24th November 2025, learned counsel for defendant nos. 2 and 3 requested for time on the ground that he had filed a separate application seeking permission to file statement of admission and denial as permitted by order dated 6th June 2022. Hence, the suit was adjourned by directing that if any fresh application is filed the same shall be listed on the next date. Accordingly, today the application is listed for hearing.

6. There is no dispute that the present Advocate who appears for defendant nos. 2 and 3 has come on record

recently and appeared for the first time on 24th September 2025. From the contents of the application it appears that after the change in the advocate it was noticed by the new advocate that the affidavit of admission and denial was not filed, hence, steps have been taken.

7. Copy of the statement of admission and denial annexed to the application also contains remarks and reasons for denial. Since there is no pleading on behalf of defendant nos. 2 and 3 there would not be any question on offering comments on the document while filing document of admission and denial.

8. In view of Order XI Rule 4 applicable to the commercial disputes 15 days time is provided for submitting a statement of admission and denial on the documents, within 15 days of the completion of the inspection or any later date as fixed by the court. Though an outer limit of 15 days is provided there cannot be any bar to extend the time as the provision further also provides that it can be filed on any later date as fixed by the court.

9. After order dated 6th June 2022, the hearing of the suit has not proceeded and the same is still pending for marking

documents. Hence, I see no prejudice to the plaintiff, if defendant nos. 2 and 3 are permitted to file their statement of admission and denial. However, defendant nos. 2 and 3 would not be entitled to offer any comments as the suit has proceeded without a written statement of defendant nos. 2 and 3.

10. Hence, the application is allowed and defendant nos. 2 and 3 are permitted to file statement of admission and denial without offering any remarks/comments on the documents. Necessary affidavit containing statement of admission and denial shall be filed within two weeks. Copy of the affidavit shall be served upon the learned Advocate for the plaintiff.

11. List the suit for marking documents on 12th January 2026.

[GAURI GODSE, J.]