

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.391 OF 2026
IN
APPEAL FROM ORDER (ST.) NO.692 OF 2026

Union of India

Appellant/
.. Applicant

Versus

M/s. Jay Constructions and Ors.

.. Respondents

-
• Mr. Bharat Mehta, Advocate Appellant / Applicant.
.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 25, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 25.03.2026. Perused the praecipe.
- 2.** Heard Mr. Mehta, learned Advocate Appellant / Applicant.
- 3.** The order impugned in the present Appeal from Order is dated 16.07.2025 whereby Notice of Motion No.4459 of 2024 has been dismissed. Notice of Motion was filed by Defendant No.1 seeking condonation of delay and for setting aside 'No Written Statement' order dated 20.12.2023. What is intriguing is the fact that an additional prayer was sought for by Defendant No.1 therein to adopt the written statement filed by Defendant Nos.2 and 3. *Prima facie*, it is seen that present Defendant No.1 is Union of India whereas Defendant Nos.2 and 3 are principal contesting parties who are the Director and

Executive Engineer of National Institute of Industrial Engineering.

4. He informs that appended at Exhibit-C, page No.17 is affidavit-in-support of Notice of Motion wherein reasons have been *prima facie* explained in paragraph Nos.5 to 8 therein.

5. However learned Trial Court has not found favour with the said reasons and rejected the Notice of Motion by stating that reasons are not cogent.

6. Be that as it may, considering the exigency which is *prima facie* made out by Mr. Mehta and after reading the contents of paragraph Nos.5 to 8 of the affidavit-in-support of the Notice of Motion, I am inclined to accept the submissions and allow the Notice of Motion No.4459 of 2024.

7. In that view of the matter, the order dated 16.07.2025 for the aforesaid reasons stands quashed and set aside. Notice of Motion No.4459 of 2024 stands allowed.

8. The say of Defendant No.1 to adopt the written statement of Defendant Nos.2 and 3 stands accepted by the Court. Delay stands condoned for the reasons which are stated in the present Appeal from Order.

9. No fruitful purpose whatsoever will be served by keeping the Appeal from Order pending in this Court considering the fact that the

Summary Suit has been pending since 2016 for past more than 10 years. In that view of the matter, Appeal from Order is disposed. In view of disposal of Appeal from Order, pending Interim Application is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2026.03.25
19:33:12 +0530