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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 5138 OF 2025
IN
COMMERCIAL SUIT NO. 43 OF 2025**

Bank of Baroda	...	Applicant
<u>In the matter between</u>		
Deepen Arun Parekh	...	Plaintiff
Vs.		
Indian Overseas Bank & Ors	...	Defendants

Ms. Divya Bamne i/b. M/s. A. R. Bamne & Co. for the Applicant /Ori. Defendant No. 3.

Mr. Vishal Pattabiraman a/w. Ms. Shweta Nisar i/b. Sonal Doshi & Co. for the Plaintiff.

Mr. Amrut Joshi a/w. Ms. Kajal Gupta and Ms. Shweta Singh i/b. M.V. Kini & Co. for Defendant nos. 1, 5 and 12.

Mr. Fraser M. Alexader for Ori. Defendant No. 10 -Dhanlaxmi Bank Ltd.

Ms. Asma Batatawala i/b. Ms. Rathina Maravrman for Respondent Nos. 4 and 6.

Mr. Indrajeet Deshmukh i/b. Vidhii Partners for Defendant No. 17.

Mr. Harsh Sheth i/b. MDP Legal for Defendant No. 18.

Mr. Benny Joseph a/w. Ms. Sona Mariya a i/b. BJ Law Offices LLP for defendant no. 15.

CORAM : GAURI GODSE, J.

DATE : 30th MARCH 2026

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ORDER :

1. This application is by defendant no. 3 for condonation of delay of 61 days in filing the written statement. Learned counsel for defendant no. 3 submits that the writ of summons was served on 17th May 2025. She submits that an application for condonation of delay along with copy of the written statement is filed within 120 days provided under Order VIII Rule 1 of the Code of Civil Procedure, 1908 applicable to the Commercial Suit. She submits that the written statement is affirmed on 14th August 2025 and the same shall be filed within the time permitted by the court. She further submits that the reasons for the delay in preparing and filing written statement are explained in paragraph 6 of the application. Since the subject accounts were transferred from one branch to another, some time was required to seek information from the erstwhile Vijaya Bank which had granted credit facility. She therefore submits that the delay is unintentional and time was required only to collect the papers and information to prepare the written statement.

2. Learned counsel for the plaintiff opposes the

application on the ground that the reasons are not acceptable. He submits that no reasons have been stated for not taking immediate steps after service of writ of summons.

3. I have perused the application. The reasons stated in the application are satisfactory and acceptable. For the reasons stated in the application, delay is condoned and the application is allowed in terms of prayer clause (b).

4. The original written statement shall be filed on record within two weeks.

5. Copy of the written statement shall be served upon advocate for the plaintiff.

6. The interim application is allowed in the aforesaid terms.

[GAURI GODSE, J.]