

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO. 7046 OF 2025
IN
COMMERCIAL IP SUIT (L) NO. 18664 OF 2025

Chetan Bhanushali

...Applicant

Versus

Dayal Nathalal Bhanushali

...Defendant

Mr. Sameer Reshamwala, i/b, S. R. Legal, for the Applicant.
Ms. Bhavi Gada, i/b, Ms. Pooja Jain, (through VC), for the Plaintiff.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : JANUARY 28, 2026

P. C. :

1. This Interim Application seeks condonation of delay of 109 days caused in filing the written statement. Learned Counsel appearing for the Original Plaintiff submits that writ summons has not yet been served and therefore there is no delay.
2. The Defendant had caused appearance in the Suit and had sought time to file the affidavit in reply and the written statement.
3. The written statement has not been accepted by the department on the ground that the delay has not been condoned. Even accepting that the writ of summons has not been served considering that the

Defendant has caused appearance on its own, the written statement was required to be filed within the prescribed period. The present application seeks condonation of delay of 109 days which is within the outer limit of 120 days as prescribed under the Act.

4. For the reasons stated in the application, the delay of 109 days stands condoned. The written statement to be taken on record.

[SHARMILA U. DESHMUKH, J.]