

ARTI
VILAS
KHATATE

Digitally signed
by ARTI VILAS
KHATATE
Date:
2026.03.18
12:14:56
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO. 811 OF 2026
IN
COMMERCIAL SUIT NO. 41 OF 2022**

Winstar Shipholding SA	)...Applicant
In the matter of:	
Kroll Trutee Services Limited	)...Plaintiff
Versus	
MT AEON (IMO No. 9576818) & Ors.	)...Defendants

Ms. Isha Sawant i/b. Ashwin Shanker, Advocate for the Applicant / Defendant No. 4.

Ms. Jyotika Jain a/w. Ms. Lavnya Chopra i/b. Bose and Mitra and Co., Advocate for the Respondent / Plaintiff.

CORAM	:	ABHAY AHUJA, J.
DATE	:	13th MARCH 2026

PC.:

1. This Interim Application seeks condonation of delay in filing written statement on behalf of the Defendant No. 4.

2. Ms. Isha Sawant, learned Counsel appearing for the Applicant / Defendant No. 4 submits that Order dated 8th August 2025, the Applicant's Interim Application No. 4649 of 2022 was allowed and the Applicant was added as a party Defendant to the Suit and was directed to file its written statement to the Suit.

3. Ms. Sawant submits that the Plaintiff had served the amended plaint upon the Advocates for the Applicant through email on 18th September 2025 and that the present Interim Application has been filed on 6th February 2026. That the statutory period for filing the Written Statement expired on 18th October 2025 and that there is a delay of 89 days.

4. Ms. Sawant submits that the delay in preferring this Application was neither deliberate nor willful and the same is attributable to the complexities involved in a thorough review of the Plaint. That the Applicant could not have prepared its defence in a cogent, complete and meaningful manner without going through and cross-referencing each document and therefore the delay in filing this Application and the written statement has not been occasioned by any negligence or omission on the Applicant's part but was rather a result of the Applicant's legitimate efforts to properly assess and challenge the claim computation of the Plaintiff which necessitated further examination of documents in detail.

5. Ms. Sawant submits that, therefore, this Court condone the delay of 89 days and direct the Registry to accept the written statement dated 15th January 2026 on behalf of the Applicant.

6. Ms.Jain, learned Counsel appearing for the Respondent / Plaintiff submits that no reply has been filed on behalf of the Respondent / Plaintiff and that she has no objection if the Interim Application is allowed.

7. Having heard the learned Counsel and having considered the submissions, I am inclined to condone the delay of 89 days subject to costs.

8. Accordingly, the delay is condoned, subject to payment of costs of Rs.15,000/- by the Applicant to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center within a period of two weeks.

9. Subject to payment of costs as above, Registry is directed to accept the written statement. The Interim Application stands allowed and disposed as above.

(ABHAY AHUJA, J.)