

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

INTERIM APPLICATION NO. 1296 OF 2026

IN

SUIT NO. 224 OF 2010

Jay Yashwant CHS Ltd.

...Applicant

In the matter between

Kaustubh Construction Pvt. Ltd.

...Plaintiff

vs.

Jay Yashwant CHS Ltd.

...Defendant

Mr. Shreepad Murthy with Mr. Abhishek Patil for the Plaintiff.

Mr. D. V. Sawant with Mr. Jayesh Talekar, Mr. Gaurav Borse and Mr. Priyank Kulkarni i/b P. S. Chambers for the Defendant/Applicant.

CORAM : ABHAY AHUJA, J.

DATE : 23rd MARCH, 2026

P.C. :

1. This Interim Application seeks condonation of delay and direction to file additional written statement upon terms and conditions as this Court may deem fit and appropriate.

2. Mr. Sawant, learned Counsel appearing for the Applicant/original Defendant has taken this Court through the Application and submits that on the basis of the certified copy of the amended Plaint, the additional written statement has been prepared and that the earlier Advocate did not seem to have received the amended Plaint. That this Court may condone the delay and direct the Registry to accept the additional written statement upon reasonable terms imposed by this Court.

3. Mr. Murthy, learned Counsel appears for the Plaintiff and submits that the amended Plaint had been served on the earlier Advocate in the year 2020 and that by order dated 27th January, 2020, 30 days' time was granted to file additional written statement and the additional written statement is being sought to be filed now after a delay of over 6 years and that if this Court is inclined to allow the Application, the same be subject to costs.

4. Having heard the learned Counsel and having considered the submissions, this Court is of the view that the Application be allowed subject to payment of costs of Rs. 25,000/- within a period of two weeks to the Plaintiff.

5. The delay is condoned. Registry to accept the additional written statement.

6. The Interim Application accordingly stands allowed and disposed as above.

7. List the Suit for directions on **20th April, 2026**.

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signed by
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YOGESH
GADGIL
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(ABHAY AHUJA, J.)