

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

INTERIM APPLICATION NO. 1432 OF 2026

IN

SUIT NO. 181 OF 2025

Debdeep Chatterjee

...Applicant

Vs.

Royal Canin India Private Limited

...Respondent

Mr. Rahul Punjabi with Mr. Ishan Shroff for the Applicant/Defendant.

Ms. Manashvi Shah i/b M. V. Law Partner for the Respondent/Plaintiff.

CORAM : ABHAY AHUJA, J.

DATE : 9th APRIL, 2026

PC. :

1. When the matter is called out, Mr. Punjabi, learned Counsel appears for the Applicant-Defendant in the Suit, and submits that since there has been a delay in filing the written statement, this Application has been filed.

2. Mr. Punjabi submits that after the 30 days' period, the delay is of 79 days of which only 19 days is beyond the outer limit of 90 days' period permitted under Order VIII of the Code of Civil Procedure, 1908. Mr. Punjabi submits that the Suit is not a Commercial Suit and that considering that the delay is neither willful nor deliberate but due to the circumstances beyond the control of the Defendant as set out in paragraph 5 of the Application, this Court may condone the delay and direct the Registry to accept the written statement which has been affirmed on 9th March, 2026.

3. Mr. Punjabi submits that the Defendant is presently employed as the national head of sales at Mankind Pharma and due to nature of his employment, he is required to travel continuously and extensively across various locations in the usual course of his professional duties. That since the documents received at the Defendant's former employer at its corporate office were routed through internal administrative channels and were not immediately brought to the personal notice of the Applicant, who was travelling on official assignments, the Defendant had no knowledge of the service of the writ of summons on 24th November, 2025. That in fact the Advocate's office did not inform him about the service of the writ of summons. That it is only upon inquiry with the Advocate upon gaining knowledge of the listing of the Suit before the Prothonotary & Senior Master on 20th February, 2026, the Defendant became aware from his Advocate that the writ of summons had been served and requested his Advocate to attend the hearing and commence drafting the written statement, however, the Prothonotary & Senior Master on 26th February, 2026 proceeded to transfer the Suit to the list of undefended suits.

4. Mr. Punjabi submits that since the drafting of the written statement and approval and finalisation took time and also some

documents had to be annexed to answer the allegations in the Plaint, the written statement could not be filed in time and the same was ready and affirmed on 9th March, 2026. That, therefore, this Court may condone the delay of 79 days as sufficient cause has been made out for condonation of the said delay.

5. Ms. Shah, learned Counsel appearing for the Plaintiff submits to the orders of this Court.

6. Having heard the learned Counsel and having considered the submissions, this Court is of the view that although an endeavour has been made on behalf of the Applicant to justify the delay, however, the same is a more general explanation without any specific particulars and therefore, although litigant ought not to suffer on technicalities and the preference should be to adjudicate matters on merits and this Court is therefore, inclined to allow the Application but not without imposing costs.

7. Accordingly, subject to payment of costs of Rs. 25,000/- to be paid by the Applicant to the Defendant within a period of two weeks, the delay is condoned and the order dated 20th February, 2026 of the Prothonotary & Senior Master transferring the Suit to the list of undefended suits is hereby set aside.

8. Subject to payment of costs as above, Registry to accept the written statement and a copy of the same be served upon the Plaintiff within a period of three weeks.

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

(ABHAY AHUJA, J.)

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signed by
NIKITA
YOGESH
GADGIL
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