



MHCC040055162022

BOMBAY CITY CIVIL COURT, BORIVALI DIVISION
AT DINDOSHI, GOREGAON, MUMBAI

Notice of Motion No.1850 of 2022
(CNR No.MHCC040055162022)

IN

SUMMARY SUIT NO. 860 of 2021
(CNR No.MHCC04-002679-2021)

Bhavesh J. Gala.

.... Plaintiff.

V/s.

Dimpi H. Chhadwa.

... Defendant.

CORAM: H.H.JUDGE SMT. SHILPA S.TODKAR
(C.R.NO.05)

Date: 20th July, 2022.

Adv.Deepak Makawana for plaintiff.

Adv. Praful Sawant for Defendant

O R D E R

The Notice of Motion is taken out by the defendant for condonation of delay in filing vakalatnama.

2. According to defendant, plaintiff filed suit for recovery against him. The writ of summons was served upon defendant on 14/03/2022. But defendant could not approach to advocate to file his appearance and written statement in the matter.

3. On behalf of defendant, the advocate filed his vakalatnama on record on 24/03/2022. So, there is only one day delay for filing vakalatnama.

4. There was no intentional delay or negligence on the part of defendant in filing of vakalatnama. The delay caused in filing vakalatnama was due to oversight. The same may be condoned in the interest of justice. Hence, this Notice of Motion.

5. Plaintiff filed affidavit in reply and raised objection. According to plaintiff, the delay in appearance is malafide. Defendant is in default of repayment of claim amount. Lastly, he prayed to dismiss the Notice of Motion with compensatory costs.

6. Perused the Notice of Motion and reply. Perused the record.

7. Heard both sides.

8. Plaintiff filed the summary suit for recovery of amount against the defendant. The notice is served upon defendant on 14/03/2022. Thereafter, defendant appeared and filed his vakalatnama on 24/03/2022. So there is only one day delay in filing appearance and vakalatnama on record. To decide the suit on merit, it is necessary to give an opportunity for the defendant to appear and to file vakalatnama on record. The reason mentioned in the Notice of Motion for delay is satisfactory. Hence, I pass the following order.

ORDER

- 1) Notice of Motion No. **1850 of 2022** is allowed.
- 2) The delay in filing vakalatnama is hereby condoned.
- 3) The Vakalatnama of defendant be taken on record and exhibited .

4) Accordingly, Notice of Motion No.**1850 of 2022** is
disposed off.

Date: 20/07/2022.

(Smt. Shilpa S.Todkar)
Judge, City Civil Court &
Additional Sessions Judge,
Borivali Division, Dindoshi,
Goregaon, Mumbai.

Dictated on : 20/07/2022.

Corrected on : 20/07/2022.

Signed on : 20/07/2022.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED
JUDGMENT/ORDER”

Date : 21/07/2022

Time : 3.35 P.M.

UPLOAD DATE AND TIME

Ms. S. S. Chudji

(Stenographer Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)	HHJ Smt. S. S. Todkar (C.R.No.05)
Date of Pronouncement of JUDGMENT/ORDER	20/07/2022
JUDGMENT/ORDER signed by P.O. on	20/07/2022
JUDGEMENT/ORDER uploaded on	21/07/2022