

MHCC040061512019



IN THE BOMBAY CITY CIVIL COURT AT BOMBAY
BORIVALI DIVISION, DINDOSHI (BRANCH)

DRAFT NOTICE OF MOTION
IN
SUMMARY CIVIL SUIT NO.618 OF 2021

Nikita Manoj Kanodia,

...Plaintiff

V/s.

Vandana Jagdish Ahuja

...Defendant no.14

Appearances -

Adv. Kunal Kumbhat, the Ld. Counsel for plaintiff.

Adv. Vedprakash Mishra, the Ld. Counsel for defendant no.14.

Coram : His Honour Judge,
Shri.Rajendra.V. Lokhande
(C.R.No.02)

Date : 4th August, 2026

: ORAL ORDER :

1. This Notice of Motion is taken out by the defendant no.14 for condonation of delay of 1678 days in filing reply to the Summons for Judgment and leave to defend.
2. Perused the Notice of Motion and say of the advocate of the plaintiff affixed to overleaf of the Notice Motion.

3. The Ld. Adv for the defendant no.14 argued as per the contentions in affidavit in support of Notice of Motion and prayed to allow the Notice of Motion. Whereas the Ld. Adv for the plaintiff argued as per reply on overleaf of the Notice of Motion. In alternate, she submitted that if the Court comes to conclusion to allow the Notice of Motion, then heavy costs may be imposed.

4. Ld. Advocate for the defendant no.14 submitted that copy of Summons for Judgment was served to the defendant no.14 on 20.11.2021. According to defendant no.14, on her instructions, her earlier advocate filed Vakalatnama and attended proceedings. On 15.04.2023, she appointed the present advocate who was under impression that the affidavit in reply to Summons for Judgment/leave to defend is already filed on her behalf. However, after checking roznama, his present advocate came to know that affidavit in reply/leave to defend on behalf of him has not been filed by his earlier advocate. Thus, the delay of 1678 days is caused in filing reply to Summons for Judgment and leave to defend. The delay is not intentional. Thus, it is prayed to allow the Notice of Motion.

5. The defendant no.14 has filed affidavit in support of Notice Motion and reiterated the reasons for delay. There appearance negligence of earlier advocate in filing reply to Summons for Judgment and leave to defend. Therefore, the reason put forth for condonation of delay by affidavit is sufficient to condone the delay in filing reply to Summons for Judgment with costs. Hence, the following order is passed.

ORDER

1. Draft Notice of Motion in Sum. Civil Suit No.618 of 2021 is made absolute in terms of prayer clause (a) and (b) subject to payment of costs of Rs.2,000/- (Rupees Two Thousands Only) to be paid by defendant no.14 to the plaintiff till next date i.e. on 07.08.2026.
2. If the defendant no.14 made default in payment of costs, then Notice of Motion stands dismissed.
3. On payment of costs, the reply to the Summons for Judgment and leave to defend of the defendant no.14 be taken on record.
4. Accordingly, Draft Notice of Motion in Sum. Civil Suit No.618 of 2021 stands disposed of.
5. The draft Notice of Motion be registered for statistical purpose.

Dictated on computer and pronounced in open Court.

Date : 04.08.2026

(Rajendra.V. Lokhande)

Judge

City Civil Court,

(Borivali Division),

Dindoshi, Goregaon, Mumbai

Date of dictation on Computer : 04.08.2026

Checked & signed by HHJ on : 04.08.2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
Date : 04.08.2026 Time : 5.20 p.m. UPLOAD DATE AND TIME	Ms. Rupali A. Monde (Stenographer Grade-I) NAME OF STENOGRAPHER
Name of the Judge (with Court room no.)	HHJ Shri. Rajendra V. Lokhande (Court Room No.2)
Date of Pronouncement of JUDGMENT/ORDER	04.08.2026
JUDGMENT/ORDER signed by P.O. on	04.08.2026
JUDGMENT/ORDER uploaded on	04.08.2026