

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.471 OF 2005
IN
SUIT NO. 1304 OF 1986

Tirupati [Mahalaxmi] Co-op. HSC. Ltd. .. Plaintiffs
Versus

M/s. Gowani Builders [Pvt.] Ltd. & ors. .. Defendants

Mr.D.V. Merchant a/w Mr.Paul i/b N. Hormasjee & Co. for
the Plaintiff.

Mr.Subodh Joshi a/w Radhika Pinzara i/b Parimal
Shroff & Co. for the Defendant No.1.

Mr. A.S. Doctor i/b Kanga & Co. for Defendant No.2.

CORAM : S.K. SHAH, J.

DATED : 7.7.2005.

P.C. -

1. The chamber summons is filed by the defendant No.1 seeking permission to file the written statement. Learned Counsel for the plaintiff objects to the same on the ground that no cogent reasons are given in the affidavit in support of chamber summons for the delay in filing the written statement.

2. I find that the grounds for not filing the written statement earlier as set out are justifiable.

3. The Chamber Summons is, therefore, allowed subject to payment of cost of Rs.1500/-.

4. On payment of cost the suit as against the defendant No.1 shall be removed from the caption as 'undefended suits'.

5. Chamber Summons stands disposed of.

[S.K.SHAH, J.]