

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUTT NO. 1450 OF 2019

Yogesh Harivadan Patel and others

... Plaintiffs

Versus

Brahmesh Somabhai Patel and others

... Defendants

WITH

INTERIM APPLICATION NO. 2046 OF 2025

IN

SUTT NO. 1450 OF 2019

.....

Ms. Chaitra Rao, Advocate for the Plaintiffs.

Mr. Shahbazkhan Sandi instructed by YNA Legal LLP, Advocate for the Defendant No.1.

Mr. Jatin Sheth, Advocate for the Defendants No.2 to 6.

.....

CORAM : ABHAY AHUJA, J.

DATE : 18 AUGUST 2025

PC. :

Interim Application No.2046 of 2025 :

1. This Interim Application has been filed by the Defendants No.2 to 6 seeking to set aside the order dated 18th October 2023 and 13th December 2023 passed by the Prothonotary & Senior Master and to condone the delay of 338 days in filing the written statement and direction to the Prothonotary & Senior Master to take the written statement on behalf of the Defendants No.2 to 6 on record.

2. Ms. Rao, learned Counsel, appears for the Plaintiffs and at the outset submits that she has no objection if the Interim Application is allowed.

3. Mr. Sheth, learned Counsel appearing for the Applicant has taken this Court through paragraphs 3 to 8 of the Interim Application and submits that the Interim Application therefore be allowed.

4. Mr. Sandi, learned Counsel appearing for the Defendant No.1 also has no objection if the Interim Application is allowed.

5. Having heard the learned Counsel and having considered their submissions in the light of the application, this Court is of the view that in the interest of justice, the Interim Application be allowed as sufficient cause has been made out.

6. The Interim Application is accordingly allowed and disposed in terms of prayer clauses (a) to (c), which read thus :

(a) the Hon'ble Court be pleased to condone the delay of 338 days in marking the present Interim Application.

(b) the Hon'ble Court be pleased to set aside the orders dated 18th October 2023 and 13th December 2023 passed by the Learned Prothonotary and Senior Master in the above suit.

(c) the Hon'ble Court be pleased to condone the delay in filing the written statement of the

Applicants/Defendants No.2 to 6 and take the written statement of Defendants No.2 to 6 on record.

7. Registry to accept the written statement.

Suit No.1450 of 2019 :

8. Mr. Sandi, learned Counsel, appears for the Defendant No.1 and submits that he is also in the process of taking out an Interim Application for setting aside the order passed by the Prothonotary & Senior Master and for seeking condonation of delay in filing the written statement.
9. The said Defendant may take necessary steps as he/she may advised.
10. List on **1st October 2025**.

(ABHAY AHUJA, J.)