



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

INTERIM APPLICATION NO.3830 OF 2022

IN

SUIT NO.1328 OF 2018

Ashish Chordia

...Applicant

IN THE MATTER BETWEEN

The Indian Hotels Company Limited

...Plaintiff

Versus

Ashish Chordia

...Defendant

Mr. Chirag Kamdar a/w Mr. Punit Damodar, Ms. Raveena Kinkhabwala & Mr. Akshay Dhayalkar i/by Kanga & Company for the Applicant/Org. Defendant.

Mr. Astad Randeria a/w Mr. Rajesh Satpalkar & Ms. Aazmin Bachana i/by Mulla & Mulla and Craigie Blunt & Caroe for the Plaintiff.

CORAM : JITENDRA JAIN, J.

DATE : 7 MAY 2026

P.C.:

1. This interim application is filed for condoning delay in filing the written statement on behalf of the original defendant. Though the application seeks condonation of 221 days but since the original period for filing the written statement expired prior to Covid, the applicant is not justified in taking the benefit of Covid period in arriving at the delay of 221 days.

2. The correct number of days of delay is 1285 as per the original plaintiff. There is some difference of opinion whether the writ of summons was properly served or not. However, without going into this issue and in the interest of justice, the delay can be condoned for the reasons stated in the interim application and the plaintiff can be



compensated by way of a cost. The plaintiff, however, has been fair to the Court and has graciously stated that the cost can be donated to any charitable organisation.

3. In view of above, the delay in filing the written statement is condoned. Registry to accept the written statement, subject to payment of cost of Rs.1,00,000/- to be paid to Tata Memorial Hospital, Dr. Ernest Borges Road, Parel Mumbai - 400 012 within four weeks from today.

4. Interim Application is disposed of.

[JITENDRA JAIN, J.]