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IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5416 OF 2015

M/s. De'Simran Cartoons Pvt.Ltd. ... Petitioner

Vs.

M/s. Apple's Trade Company ... Respondent

Mr.Rajesh S.Datar, Advocate for Petitioner.

Mr.Imtiaz A.Raibakkar, Advocate for Respondent.

CORAM : R. G. KETKAR, J.

DATE : 10th AUGUST, 2015

P.C. :

. Heard Mr.Rajesh Datar, learned Counsel for the petitioner and Mr.Imtiaz Raibakkar, learned Counsel for respondent at length.

2. By this Petition under Article 227 of the Constitution of India, original defendant has challenged the judgment and order dated 24/02/2015 passed by the learned Judge, City Civil Court, Greater Bombay in Summons for Judgment No. 24 of 2013 in Summary Suit No. 5135 of 2012. By that order, the learned trial Judge granted conditional leave to defend subject to depositing sum of Rs.13,75,691/- in the Court within 6 weeks from the date of the order. After depositing the amount within 6 weeks, defendants were directed to file written statement within 2 weeks. On depositing the said amount, the Registrar was directed to invest the amount in the

nationalised bank, initially for a period of one year and renew the deposit for the like period until further orders. On failure of the defendant to deposit amount within 6 weeks, plaintiff was given liberty to apply for further reliefs.

3. After arguing the Petition for some time, Mr.Datar submitted that if time for depositing the amount is extended by 8 weeks as ordered by the learned trial Judge, petitioner will not press this Petition and will accept the impugned order. Mr.Raibakkar submitted that already the learned trial Judge had given 6 weeks time and that was extended from time to time. Then, this Court had extended time by order dated 18/06/2015.

4. In view thereof, on the motion made by Mr.Datar, Petition is allowed to be withdrawn as the petitioner has accepted the correctness of the impugned order and is disposed of as such. Notwithstanding withdrawal of the Petition, time stipulated in the impugned order is extended as and by way of last chance for a period of 4 weeks from today. Order accordingly.

5. Office to issue authenticated copy of this order.

(R. G. KETKAR, J.)