

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6172 OF 2015

Shri. Ashok Fakirchand Khinvasara

.. Petitioner

Versus

Shri. Maruti Mahadu Shelke

.. Respondent

Mr. R. S. Kadam, for the Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 10th SEPTEMBER, 2015

PC.

By the impugned order, the Trial Court has granted unconditional leave to defend the suit. The Trial Court has observed that since the case based on the dishonour of cheque of Rs.60,000/- which is the claim amount, having been withdrawn by the Plaintiff by admitting that no liability subsisting against the Defendant, the application for leave to defend raises triable issues and therefore, leave to defend was required to be granted to the Defendant. Having regard to the aforesaid reason, the order passed by the Trial Court granting unconditional leave cannot be faulted with. No case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is dismissed.

[R.M. SAVANT, J]

Certified to be true and correct copy of the original signed order.