

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

**CIVIL APPLICATION NO.1722 OF 2015
IN
WRIT PETITION NO.1962 OF 2014**

M/s. Elina Solutions Pvt. Ltd. : Applicant.

In the matter between

**The Managing Director
Morya Graint Distilleries Pvt. Ltd. & Anr. : Petitioners**

versus

M/s. Elina Solutions Pvt. Ltd. : Respondent.

**Mr. Samir Kumbhakoni for the Applicant.
Mr. V M Vaghela for the original Petitionersa.**

**CORAM : R. M. SAVANT, J.
DATE : 17th August 2015**

P.C.

1 The above Civil Application has been filed seeking modification of the order dated 4/4/2014 passed in the above Petition. By the said order the Petition was admitted and the interim relief was granted staying the further proceedings in Summary Suit No.69 of 2013.

2 The above Petition takes exception to the order dated 5/12/2013 passed by the learned 6th Joint Civil Judge Senior Division, Pune by which order leave to defend was granted to the Petitioners/Original Defendants on a condition that it furnishes Bank Guarantee of Rs.23,01,339/- and files written statement within one month of the said order.

3 By the above Civil Application the Respondent to the said Petition i.e. the Plaintiff in the said suit seeks modification of the order passed by this Court on the ground that the Respondent to the above Petition i.e. the original Plaintiff in the suit is agreeable to the unconditional leave being granted to the Defendants i.e. the original Petitioners. The learned counsel appearing for the Applicant/original Respondent-Plaintiff, upon instructions, has accordingly made a statement to the said effect before this Court. In view of the said statement, there is now no warrant to keep the above Petition pending in this Court. The order impugned in the above Petition i.e. the order dated 5/12/2013 passed by the learned 6th Civil Judge, Senior Division, Pune in so far as it grants conditional leave to defend the suit to the Defendants to stand set aside. The Defendants are granted unconditional leave to defend the suit. The Defendants to file their written statement within six weeks from date. The Trial Court is directed to accept the written statement. The Trial Court would thereafter proceed with the suit in accordance with law. Needless to state that the suit would be tried on its own merits and in accordance with law uninfluenced by the instant order. The above Civil Application and the Rule in the above Petition to accordingly stand disposed of.

[R.M.SAVANT, J]