

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11166 OF 2015

Sangeeta Shankar Kalbhor ... Petitioner
Vs.
M/s. Champion Dealers Pvt. Ltd. and others ... Respondents

Mr. Himanshu Kode for Petitioner.
Mr. Satish Agarwal for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : NOVEMBER 20, 2015

P.C. :

Heard Mr. Kode, learned Counsel for petitioner and Mr. Agarwal, learned Counsel for respondent No.1 at length.

2. By this Petition under Article 227 of the Constitution of India, original defendant No.1 has challenged the judgments and orders dated 30.04.2015 and 02.05.2015 passed by the learned Judge, City Civil and Sessions Court, Greater Bombay in Summons for Judgment No.9 of 2014 in Summary Suit No.4640 of 2013. By that order, the learned trial Judge granted - (i) unconditional leave to defend to defendants No.2 and 3 and directed them to file their written statement within 30 days from the date of the order; (ii) conditional leave to defend to defendant No.1 with a direction to deposit Rs.18,51,313/- in the Court within a period of 60 days; and permitted defendant No.1 to file written statement within 30 days from the date of the deposit, if the sum as directed is deposited by her.

3. After arguing the Petition for quite some time, Mr. Kode, upon taking instructions from the original defendant No.2, Mr. Shankar Kalbhor (husband of the petitioner), makes a statement that if sufficient

time to deposit the amount as ordered by the trial Court is granted, petitioner will not press this Petition.

4. In view thereof, Petition is disposed of as not pressed in the following terms:

- a. Petitioner shall deposit 50% of the amount in the trial Court as ordered in the impugned order, within 30 days from today under due intimation in writing to the Advocate for respondent No.1;
- b. Balance 50% shall be deposited within 70 days from today under due intimation in writing to the Advocate for respondent No.1;
- c. Written statement shall be filed within 100 days from today;
- d. All contentions of the parties, on merits, are expressly kept open.

5. It is made clear that in case the petitioner does not comply this schedule, respondent No.1-plaintiff is at liberty to proceed in the matter in accordance with law. Order accordingly.

(R. G. KETKAR, J.)

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