

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2064 OF 2016**

Export Credit Guarantee
Corporation of India Ltd

Petitioners

Vs

Sanghi Overseas

.. Respondents

Mr. Vishal Talsaniya i/b M.V.Kini & Co, Advocate for Petitioners.
Mr. R.S.Tripathi, Advocate for Respondents.

CORAM : R.G.KETKAR,J.
DATE : 04/03/2016

PC:

1. Heard Mr. Vishal Talsania, learned counsel for the petitioners and Mr. R.S.Tripathi, learned counsel for respondents at length.

2. Rule. Mr.Tripathi waives service for the respondents. At the request and by consent of the parties, Rule is made returnable forthwith and petition is taken up for final hearing.

3. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the Judgment and order dated 29.1.2015 passed by the learned trial Judge in Suit No.10329 of 2009. By that order, the learned trial Judge has closed evidence of the defendants as they did not keep their affidavit of evidence ready.

4. Petition was heard on 17.2.2016. In order dated 17.2.2016, it was recorded that the defendants will prepare their duly affirmed affidavit of evidence and serve copy in advance on other

side. It is common ground between the parties that in pursuance of that order, the defendants have affirmed affidavit of evidence and served copy in advance on the other side.

5. In view thereof, the impugned order closing evidence of the petitioners-defendants is set aside. Affidavit of evidence affirmed by the defendants shall be taken on record and trial Court shall proceed.

6. Rule is made absolute in the aforesaid terms with no order as to costs.

(R.G.KETKAR, J.)