

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Writ Petition NO. 1403 OF 2016

MRS. ROSHANARA AHEMAD BAIG	
@ MRS. ROSHAN ABUZAR DHAKHNI	...Petitioner
<i>Versus</i>	
MR. SALIM SAYYED AND ANR.	...Respondents

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Mr.Dilip H. Shukla, Advocate for the Petitioner.
Mr. Salim Sayyed, Respondent No.1 present in person.

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CORAM : R. G. KETKAR, J.
DATE : 3rd FEBRUARY, 2016

P.C.

1. Heard Mr. Dilip Shukla, learned Counsel for the petitioner and Mr. Salim Sayyed, respondent No.1 in person at length.
2. By this Petition under Article 227 of the Constitution of India, the petitioner, hereinafter referred to as defendant No.1 has challenged the judgment and order dated 31.7.2014 passed by learned Judge, presiding over Court Room No.24 of the Bombay City Civil Court at Bombay in Summons for Judgment No.152/2012 in Summary Suit No.3934/2009. By that order, learned trial Judge granted unconditional leave to defend the suit to defendant no.2 and granted conditional leave to defend the suit to defendant No.1 subject to depositing Rs.50,000/- in

the Court within one month and thereafter to submit written statement within one month.

3. After arguing the Petition for quite some time, Mr.Shukla has tendered a communication dated 3.2.2016 addressed by the petitioner to him, which is taken on record and marked 'X' for identification. He states that the petitioner will not press this Petition if time to deposit an amount of Rs.50,000/- in the trial Court as also time to file written statement is extended for a period of six weeks from today. He assures that the petitioner will not seek extension of time for depositing the amount and for filing written statement.

4. In view thereof, the Petition is disposed of as not pressed. The petitioner is given six week's time to deposit Rs.50,000/- in the trial Court under due intimation in writing to the first respondent/plaintiff as also during this period defendant No.1 shall file written statement. Defendant No.1 shall not apply for extension of time for depositing the amount of Rs.50,000/- and also filing written statement. Order accordingly.

(R. G. KETKAR, J.)