

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.560 OF 2016

Mr. D.C. Nigam	..Petitioner
<i>Versus</i>	
M/s. Polycab Wires Pvt. Ltd.	..Respondent

....
Mr. Sandesh D. Patil, i/b. Pavan S. Patil, Advocate for the
Petitioner.

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CORAM : R. G. KETKAR, J.

DATE : 20th JANUARY, 2016

P.C.

1. Heard Mr. Sandesh D. Patil, learned Counsel for the petitioner at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner (hereinafter referred to as “defendant”), has challenged the judgment and order dated 27.11.2015 passed by the learned Judge, City Civil Court, Greater Mumbai in Summons for Judgment No.6/2014 in Summary Suit No.3729/2013. By that order, learned trial Court dismissed the Summons for Judgment and granted the defendant conditional leave to defend the suit on payment of an amount of

Rs.10,00,000/-. The defendant was directed to deposit Rs.10,00,000/- within four weeks i.e. on or before 23.12.2015 and file written statement within four weeks after deposit of Rs.10,00,000/-.

3. After arguing the Petition for quite sometime, Mr. Patil, upon taking instructions from the defendant, states that he is not pressing the Petition. He however seeks extension of eight weeks to deposit the amount of Rs.10,00,000/- in the trial Court. He states that within four weeks from today, the defendant will deposit an amount of Rs.5,00,000/- under due intimation in writing to the Advocate for the original plaintiff and will deposit the remaining amount of Rs.5,00,000/- within eight weeks from today.

4. It is also understood by the defendant that in case the amount of Rs.5,00,000/- is not deposited within four weeks from today, the plaintiff will be at liberty to proceed in the matter in accordance with law.

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

- i. The defendant shall deposit an amount of Rs.5,00,000/- in the trial Court within four weeks from today under due intimation in writing to the Advocate for the original plaintiff. If such amount is not deposited within the stipulated period, the plaintiff will be at liberty to proceed in the matter in accordance with law.
- ii. The defendant shall deposit the balance amount of Rs.5,00,000/- in the trial Court within eight weeks from today under due intimation in writing to the Advocate for the original plaintiff. If such amount is not deposited within the stipulated period, the plaintiff will be at liberty to proceed in the matter in accordance with law.
- iii. The defendant shall file his written statement within eight weeks from today.
- iv. Order accordingly.

(R. G. KETKAR, J.)