

## FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
APPEAL (L) NO.928 OF 2015  
IN  
CHAMBER SUMMONS NO.1003 OF 2013  
IN  
SUMMARY SUIT NO.475 OF 2013

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Office Notes, Office  
memorandum of Coram,  
appearances, Court's  
orders or directions &  
Registrar's orders.

Court's or  
Judge's orders.

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Shri D.S. Chandnani along with Shri Heeralal Chaturvedi for the Appellant.  
Shri Sayyed Mulani i/b Mulani & Co for the Respondent.

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CORAM : A.S. OKA & A.A.SAYED, JJ  
DATED : 22ND JULY 2016

P.C.:

. Heard learned counsel appearing for the Appellant. By the impugned order dated 10<sup>th</sup> July 2015, the learned Single Judge has permitted the Respondent Defendant to file a written statement.

2. In a summary suit filed by the Appellant Plaintiff, on Summons for Judgment, the learned Single Judge passed an order dated 16<sup>th</sup> February 2015 directing grant of conditional leave to the

Respondent subject to deposit of a sum of Rs.5,66,87,038/- within a period of 16 weeks from 16<sup>th</sup> February 2015. The written statement was to be filed within a period of four weeks from the date of such deposit. By the impugned order passed on 10<sup>th</sup> July 2015, the written statement has been ordered to be accepted after the Respondent deposited the amount in terms of the order dated 16<sup>th</sup> February 2015. The order accepting the written statement is not a judgment within the meaning of the Letters Patent. Even otherwise, we find no error in the order by which by condoning the delay of few days, the written statement was accepted. There is no merit in the Appeal and the same is dismissed.

(A.A. SAYED, J)

(A.S.OKA, J)