

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION**

WRIT PETITION NO. 3029 OF 2017

M/s. S.S. International & Ors. .. Petitioners

v/s.

M/s. Maxtone Electronics Pvt. Ltd. .. Respondent

Mr. Rajesh Singh for the petitioners
Mr. R.R. Salvi for the respondent

**CORAM : M.S. SANKLECHA, J.
DATED : 21st SEPTEMBER, 2017**

PC.

1. The petitioners have moved this petition for urgent reliefs.
2. Mr. Singh, learned Counsel appearing for the petitioners states that the order dated 23rd November 2015 passed by the City Civil Court at Mumbai granted conditional leave to defend the suit to the petitioners on it depositing an amount of Rs.6.40 lakhs in the Court within four weeks. Mr. Singh, learned Counsel for the petitioners states that the suit has been fixed on 25th September, 2017 for ex-parte decree.

3. On being specifically asked to explain the delay, he points out that the petition had been filed in 2016 and inspite of best efforts made by him, it could not be listed.

4. However, at this stage he only seeks extension of four weeks time from today to deposit the amount of Rs.6.40 lakhs as directed by the impugned order dated 23rd November, 2015, particularly in view of the fact that the partner of the firm, who looks after the affairs of the firm, has recently undergone a major surgery.

5. Mr. Salvi, learned Counsel for the respondent does not object to grant of time to deposit Rs.6.40 lakhs in the City Civil Court at Mumbai.

6. The impugned order of the trial Court is not interfered with save and except, time to deposit of Rs.6.40 lakhs is extended by four weeks from today i.e. up to 20th October, 2017.

7. Needless to state that in case the petitioners fail to deposit the amount of Rs. 6.40 lakhs within the time prescribed, the trial Court

shall proceed in consequence of the impugned order dated 23rd November 2015.

8. The petition is disposed of in the above terms. No order as to costs.

(M.S. SANKLECHA, J.)