

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

WRIT PETITION NO. 736 OF 2016

M/s.Ravi Steel Industries
Through its partner
Mr. Deepak G.Agarwal

...Petitioner

Versus

M/s.Sankalp Developers & Project
Consultant & Anr.

...Respondents

.....
Mr.Girish B. Kedia for the Petitioner.
Mr.Swapnil A. Waradkar for Respondent Nos. 1 and 2.
.....

CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 17, 2017

P.C. :

1. This petition is directed against the order dated 09.10.2015 passed by the learned Judge, City Civil & Sessions Court, Greater Bombay in Summons for Judgment No. 444 of 2014 in Summary Suit No. 1093 of 2014. While disposing of the Summons for Judgment, the learned Judge granted unconditional leave to defend, against which this petition is filed.

2. It is the case of the petitioner that the recovery of Rs. 45,35,075/- is due from the respondents, which includes principal sum of Rs. 22,45,293/- plus interest @ of Rs. 36% p.a. After hearing both the

parties, the learned Judge has found that there is undisputed issue and therefore, unconditional leave is granted to the defendants.

3. In this petition, the learned counsel for both the parties have advanced their submissions. At the end, the learned counsel for the respondents/defendants has come up with the proposal that the respondents/defendants are ready to pay 50% of the principal amount within a period of four weeks from the date of this order i.e. on or before 16.08.2017. The learned counsel for the petitioner accepts the said proposal. By consent, the parties are agreed at certain amount. In view of this agreement, the Petition is partly allowed with following order.

ORDER

- (i) The respondents/defendants agreed to pay 50% of the principal amount i.e. Rs. 11,25,000/- to the petitioner on or before 16.08.2017.
 - (iii) Parties to co-operate with the trial Court and the trial Court to proceed with the Suit.
4. In view of the above, Writ Petition is dismissed summarily.

(MRIDULA BHATKAR, J.)