

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

WRIT PETITION NO.1552 OF 2014

Nishotech Systems Pvt. Ltd.

...Petitioner

vs.

Berger Paints India Limited

...Respondent

Ms. K. H. Rajani for the Petitioner.

Ms. Faisal Sayyed I/b Manilal Kher Ambalal & Co. for Respondent No.1.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 29th November, 2017

P.C.:

. Heard. Rule. Rule is made returnable forthwith with the consent of the parties.

2. The Petitioner herein happens to be the Plaintiff in Summary Suit No.1594/2010 renumbered as Summary Suit No.66/2012 pending before the Civil Judge, Senior Division, Thane. The Plaintiff was seeking recovery of the sum of Rs.32,56,380/-. The only contention of the Plaintiff was that the Defendant therein was granted leave to defend the suit without their being any deposit as security in the said suit. Hence, this Writ Petition.

3. The suit was initially filed in the year 2010. However, due to change in jurisdiction the suit was remanded to the Court of Civil Judge, Senior Division, Thane. Ad-interim relief was granted vide order dated 19/8/2014.

4. Ms.Rajani, learned counsel for the Petitioner fairly submits that

the pendency of this suit would cause prejudice to the Plaintiff and the suit can be decided on merits. Since the suit is pending for last 7 years, Learned Civil Judge, Senior Division, Thane seized with Summary Suit No.66/2012 is hereby requested to dispose of the said suit on or before 30/6/2018. The learned court shall not grant any unwarranted adjournment to either of the parties since it is a suit filed under Order 37 of the CPC. The parties shall lead evidence at the proper stages without seeking unwarranted adjournments.

5. Rule is made absolute in the above terms.

6. All contentions of the parties are kept open. It is made clear that this Court has not gone into merits of the matter.

(SMT. SADHANA S. JADHAV, J.)