

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CIVIL MISCELLANEOUS APPEAL No.1173 OF 2017

JUDGMENT:

Heard both sides.

It is subject to deposit or furnishing of bank guarantee for the sum covered by the order dated 29.08.2017, within a period of six weeks from today, the *ex parte* order is set aside permitting to contest in the matter i.e., I.A.No.1197 of 2016, by allowing I.A.No.585 of 2017 modifying the dismissal order of the lower court dated 29.08.2017 supra.

If the compliance of deposit or furnishing of bank guarantee are not made within six weeks from today, the lower court's order holds good. All defences of the petitioner including the so-called compromise to prove by application before the trial court if at all is left open thereafter to raise.

Accordingly and with the above observation, this civil miscellaneous appeal is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

20.11.2017

SS