

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.512 OF 2018
(Swanand Jayant Parnaik and another Vs. IDBI Bank Ltd., through
its Authorized Signatory)

Mr.A.M.Manglani, Advocate for the petitioners.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 18/01/2018

PER COURT :

1. The petitioner is aggrieved by the order dated 16/07/2014 by which the petitioners are refused leave to defend in a summary suit as the concerned Court has noticed that there is no reason cited which can be considered to be a good ground to allow the petitioners to defend themselves in the said summary suit. After a passage of about 2 ½ years, this petition has been filed.

2. After hearing the learned Advocate for the petitioners on 17/01/2018, this matter was adjourned so as to enable the petitioners to take instructions as to whether they would deposit Rs.1,25,000/- before the Summary Court. Today, initially the petitioners submitted that they would deposit Rs.75,000/- when the recoverable amount is almost more than 2,50,000/-. Finally, the petitioners state that if 4 (four) weeks time is granted, the amount of

Rs.1,25,000/- would be deposited before the Summary Court.

3. It is on the basis of the above statement made that I am issuing notice to the respondent, returnable on 23/02/2018. The petitioners shall deposit the said amount of Rs.1,25,000/- with the Summary Court on or before 16/02/2018, failing which, the interim protection granted today, shall stand vacated without reference to the Court w.e.f. 17/02/2018.

4. Copy of the petition paper book for issuance of notice shall be furnished on or before 29/01/2018, failing which, this petition shall stand dismissed without reference to the Court on 30/01/2018.

5. Considering that the amount is being deposited, the Summary Court shall not proceed with SCS No.78/2012, if not already disposed of.

(RAVINDRA V. GHUGE, J.)