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

WRIT PETITION NO. 4312 OF 2017

M/s KSL & INDUSTRIES LTD.

...Petitioner

vs

M/s KAPP COLOUR CHEM

...Respondent.

.....

Mr Ajit Anekar I/B Auris Legal for the Petitioner.

Mr Piyush M. Shah a/w Mr D. Shah for the Respondent.

.....

**CORAM : B.P.COLABAWALLA, J.
NOVEMBER 22, 2018.**

P.C. :

Rule. Rule made returnable forthwith. The Respondent waives service. By consent of parties Writ Petition is heard finally.

2 This Writ Petition has been filed challenging the order dated 21st December, 2016, passed by the Trial Court in Summons for Judgment No.61 of 2016 in Summary Suit No. 179 of 2014. By the impugned order the Trial Court granted conditional leave to defend the suit subject to the Defendant depositing a sum of Rs.3 Lacs in the Court within a period of eight weeks from the date of the said order.

3 On going through the impugned order I find that though the order records and notes the defences raised by the Defendant, there is absolutely no reasoning as to why those defences are unacceptable to the Trial Court. The only finding and/or reasoning I find is at paras 12 and 13, and which in my opinion, are wholly insufficient for deciding the matter.

4 In these circumstances I have no choice but to set aside the impugned order and remand the matter back to the Trial Court for deciding the Summons for Judgment afresh and pass a reasoned order. Rule is made absolute in the aforesaid terms. The Writ Petition is disposed of accordingly. No order as to costs.

5 Considering that the Summons for Judgment is of the year 2016, the Trial Court is requested to hear the Summons for Judgment as expeditiously as possible and in any event within a period of four months from today.

(B.P.COLABAWALLA, J.)