

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 250 OF 2018

**M/s.Ketan Jute Bags Private Limited
& Ors.**

..... Applicants

VERSUS

M/s.Valsons Enterprises

..... Respondent

ALONGWITH

CIVIL REVISION APPLICATION NO. 251 OF 2018

M/s.Kajal Corporation & Ors.

..... Applicants

VERSUS

M/s.Valsons Enterprises

..... Respondent

Mrs.Yashashri Y. Naik for the Applicants.

Mr.Pawankumar Pandey, i/b. Clayderman Co. for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 16th OCTOBER, 2018

P.C.

By consent of parties, both the civil revision applications were heard together and are being disposed of by a common order.

2. By this civil revision application filed under section 115 of the Code of Civil Procedure, 1908, the applicants (original defendants) have impugned the order passed by the learned trial judge on 28th February, 2018 granting them conditional leave to defend the suit upon depositing various amounts.

3. Heard learned counsel appearing for the parties at length. The

learned trial judge has passed an order of conditional deposit while granting leave to defend to the defendants by passing a detailed order.

4. A perusal of the application for leave to defend and affidavit filed by the petitioners clearly indicates that on one hand, the petitioners had disputed the entire transaction and thereafter had alleged that the entire payment was made by the petitioners in cash.

5. Learned counsel appearing for the plaintiffs invited my attention to the ledger account of the petitioners in the books of the respondents for the period 1st April 2015 to 31st March 2016 which was signed by the partner of the petitioner below the rubber stamp. Learned counsel appearing for the petitioners states that there is no date mentioned in the said statement of confirmation of accounts. The petitioners did not dispute that the rubber stamp and the signature of the partner of the petitioners on the said confirmation of accounts dated 1st April, 2016.

6. Learned trial judge has considered all these submissions advanced by both the parties and the documents annexed to the plaint and has granted conditional leave to defend the petitioners.

7. Learned counsel for the petitioners submits that there was no transaction between the parties with the developer. I am not inclined to accept this submission made by the learned counsel for the petitioners.

8. I do not find any infirmity in the impugned order granting conditional leave to defend the suit.

9. Both the civil revision applications are devoid of merit and are accordingly dismissed. No order as to costs.

[R.D. DHANUKA, J.]

Kanchan
Vinod
Mayekar

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by Kanchan
Vinod Mayekar
Date: 2018.10.19
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