

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION (ST) NO. 29710 OF 2018****Crossword Bookstores Ltd.****..... Petitioner****VERSUS****Reza Kabul Hassan Kabul & Ors.****..... Respondents**

Mr.Prasad Dani, Senior Advocate, a/w. Mr.Pradeep Bakhru, Ms.Mitakshi Lakhani, i/b. Wadia Ghandy & Co. for the Petitioner.

Mr.Abhijeet Joshi, a/w. Ms.Eshani Vyas, i/b. Mr.Shreyas Vyas for the Respondent no.1.

Mr.Mutahhar Khan, a/w. Mr.Mahesh Mahale, i/b. Manal Dhanani for the Respondent no.3.

CORAM : R.D. DHANUKA, J.**DATE : 16th OCTOBER, 2018****P.C.**

Learned counsel appearing for the parties have agreed that for disposing of the writ petition, this court need not give any reasons.

2. The matter was argued at length by both the parties. In my view, interest of justice would be met with if the impugned order passed by the learned trial judge on 26th April, 2018 in Notice of Motion No.1469 of 2018 filed by the petitioner (original defendant no.1) is set aside on the condition that the petitioner pays a cost of Rs.50,000/- to the respondent no.1 (original plaintiff) within two weeks from today. Upon payment of such cost as a condition precedent, the learned trial judge upon production of proof of payment of cost of Rs.50,000/- is directed to take the composite written statement filed by the petitioner

on 3rd February, 2015 annexed at Ex.J to the petition on record.

3. It is made clear that no further extension of time would be granted for payment of cost. The proof of payment of such cost shall be produced before the learned trial judge to enable the learned trial judge to accept the written statement of the petitioner on record. If the payment of cost is not made within the time prescribed, writ petition to stand dismissed without further reference to court.

4. The learned trial judge shall frame additional issues based on the plea raised in the written statement filed by the defendant no.1 within one week from the date of written statement being taken on record. Both the parties are directed to exchange draft of the additional issues and shall file the same for consideration of the learned trial judge.

5. Writ petition is disposed of in the aforesaid terms.

6. The parties as well as the learned trial judge to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]