

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14252 OF 2017

ACG Pam Pac Machines Pvt. Ltd. & Anr.	 Petitioners
V/s.	
Santosh Krishna Patil	 Respondent

Mr. R.V. Govilkar, i/by M/s. Govilkar & Associates, for the Petitioners.

Mr. T.D. Deshmukh, h/for Mr. Sagar Kursiya, for the Respondent.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 10TH JANUARY 2018.

P.C. :

1. Heard learned counsel for the Petitioners and Respondent.
2. By this Petition, filed under Article 227 of the Constitution of India, the Petitioners are challenging the order dated 16th November 2017 passed by the 7th Joint Civil Judge, Senior Division, Pune, thereby rejecting the application "Exhibit-19" filed by the Petitioners seeking leave to defend, as contemplated under Order 37 Rule 3(5) of the CPC.
3. Considering the fact that, already, in view of the earlier order passed by the Court, the Petitioners have filed not only the written statement but also the counter-claim and now the Trial Court has totally rejected the leave to defend, in the interest of justice, it is directed that, such leave to defend be granted subject to condition of deposit of 70% of

the principal amount, as mentioned in the Petition, i.e. Rs.8,31,000/-,
within a period of one month from today.

4. Writ Petition is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]