

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

WRIT PETITION NO.8625 OF 2019

Ms.Vrushali Mohan Brahme and anr. ... Petitioners

V/s.

Anuradha Prabhakar Borkar and anr. ... Respondents

Mr.Mohan V. Kanade, Advocate for the Petitioners.

None for the Respondents.

CORAM : UJJAL BHUYAN, J.

DATE : DECEMBER 04, 2019.

P.C.:-

1. Heard Mr.Mohan V. Kanade, learned counsel for the petitioners.
2. Petitioners are aggrieved by the order dated 12th June, 2019 passed by the learned Ad-hoc Judge, City Civil Court, Dindoshi, Mumbai in Summons for Judgment No.4 of 2019 alongwith Leave to Defend in Suit No.929 of 2017.
3. Petitioners have been arrayed as defendants in the suit instituted by respondent Nos.1 and 2.

4. By the order dated 12th June, 2019 leave to defend the suit was granted to the defendants (petitioners herein) on condition that petitioners' deposit an amount of Rs.10 lakhs in the court within two months from the date of the said order.

5. Learned counsel for the petitioners submits that the suit itself is for an amount of Rs.10 lakhs. Therefore, the order directing deposit of Rs.10 lakhs as a condition to the petitioners to file written statement is wholly unjustified.

6. Learned counsel for the petitioners further submits that he had already served the respondents pursuant to notice issued by this court on 8th August, 2019.

7. However, there is no appearance on behalf of the respondents.

8. After hearing learned counsel for the petitioners and on due consideration, court is of the view that imposition of the condition of depositing Rs.10 lakhs by the petitioners enabling them to defend the suit is not justified. Consequently, the said condition imposed by the

learned court below by order dated 12th June, 2019 is set aside.

9. Petitioners to file the written statement within four weeks from today. Thereafter, learned court below shall proceed with the suit.

10. Writ petition is disposed of.

(UJJAL BHUYAN, J.)

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