

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7907 OF 2019

M/s. National Laminate Corporation
& Another .. Petitioners.
v/s.
Vinod R. Nishar .. Respondent.

Ms. Kalyani Wagle i/b. T. N. Tripathi & Co., for the Petitioners.
Ms. Ankita Sharma i/b. Paras Vira, for the Respondent.

CORAM: MADHAV J. JAMDAR,J.
DATED : 4th AUGUST, 2021.

PC:-

The Petitioners who are the original plaintiffs, by the present Writ Petition, challenged order dated 22nd February, 2019 passed by the Ld. Judge, City Civil Court at Bombay, Dindoshi in Summons for Judgment No. 155 of 2017 in Summary Suit No. 520 of 2016.

2 The operative portion of the impugned order dated 22nd February, 2019 reads as follows:-

“

O R D E R

- 1) *Summons for Judgment No.155 of 2017 stands rejected.*
- 2) *Leave to defend the suit to the defendant is granted conditionally i.e. defendant is permitted to file Written Statement subject to depositing the amount of Rs.10,00,000/- (Rupees Ten Lakhs only) in the Court within two months from the date of this order.*
- 3) *After payment of an amount of Rs.10,00,000/- as ordered,*

the Registrar of the Court is directed to take necessary steps to convert the suit from Summary to short cause.

4) On depositing the aforesaid amount of Rs.10,00,000/-, Registrar (Civil) is directed to invest the said amount in any nationalized bank for initial period of one year and seek further directions of the Court as and when the suit comes for hearing.

5) If the above condition is not complied by defendant, then plaintiff shall be at liberty to take steps for further orders.

6) Summons for Judgment No.155 of 2017 stands disposed of accordingly.”

3 Ms. Kalyani Wagle, learned Counsel appearing for the Petitioners and Ms. Ankita Sharma, learned Counsel appearing for the Respondent makes a statement that Summary Suit No.520 of 2016 is decreed on 5th April, 2021.

4 In view of the above statement, the Petition has become infructuous and the same is disposed of as such.

(MADHAV J. JAMDAR,J.)