

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7940 OF 2021

Raju Safety Products thru
Proprietor Sunil M. Shinde .. Petitioner
Versus
Hindustan Construction Co.Ltd
thru Managing Director and also
Company Secretary .. Respondent

...

Mr. Pradip R. Kadam for the petitioner.
Mr.Rohan Aggrawal with Darshit Dave, Ativ Patel and Harshad
Vyas i/b AVP Partners for the respondent.

CORAM: BHARATI DANGRE, J.
DATED : 10th DECEMBER 2021

P.C:-

1 The Summary Suit was based on supply of goods, the plaintiff claiming that an amount of Rs.4.79 lakhs was admitted, but the point of discord between the parties is the interest thereupon.

2 On 24th September 2021, the City Civil Court, Mumbai granted unconditional leave to the defendant to defend the Suit, recording that several triable issues require adjudication on merits. In contrast, the claim of the plaintiff is to the effect that there is no bonafide defence and the plaintiff is a small

manufacturer and particularly, when the principal amount is clearly admitted, the interest @ 18% is claimed. The defendants argue that there was no agreement for payment of interest and therefore, he is ready and willing to pay an amount of Rs.4.79 lakhs which is the principal sum.

3 In the backdrop of the aforesaid facts, since the liability of principal amount is admitted, the order passed on 24th September 2021, being modified to the extend that the unconditional leave, being converted into conditional leave to defend the suit, subject to the deposit of Rs.4.79 lakhs before the Court within a period of four weeks. Pursuant to the deposit, defendant is permitted to file written statement and contest the Suit.

4 A request is also made to the learned Judge to culminate the proceedings in the Suit within a period of six months from today.

Writ Petition is disposed of in aforesaid terms.

SMT. BHARATI DANGRE, J