

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4319 OF 2022
WITH
INTERIM APPLICATION NO. 2359 OF 2022

Krishna Fashion World & Anr. .. Petitioners
Versus
Karan Anand Keswani .. Respondent

WITH
WRIT PETITION NO. 4315 OF 2022
WITH
INTERIM APPLICATION NO. 2360 OF 2022

Krishna Fashion World & Anr. .. Petitioners
Versus
Pushpa Gobidnram Keswani .. Respondent

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- Ms. Leena Temkar i/by Mr. Deepak P. Jamsandekar for the
Petitioners / Applicants
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 13, 2022

P.C.:

- 1.** Heard.
- 2.** Both the Writ Petitions can be disposed of by a common order.
- 3.** Respondents in the two Writ Petitions have filed Summary Suit against the Petitioners for a sum of Rs. 20,10,750.00 and Rs. 16,83,375.00 along with interest @ 18% per annum. The transaction

between the parties is a commercial transaction based on bills of exchange. The learned trial court has passed separate orders dated 06.01.2022 in both the suits by *prima facie* coming to the conclusion that the Petitioners have a plausible defence and should be allowed leave to defend the suits. However considering that substantial amounts were involved, the learned trial court granted leave to the Petitioners to defend the suits subject to payment of a certain amount out of the principle amount and directed the Petitioners to deposit at least the amount of one demand bill of exchange i.e. Rs. 6,00,000/- in each suit proceedings within a period of four weeks from the date of the passing of the order.

4. Petitioners have challenged the order dated 06.01.2022 in the present petitions on merits.

5. Learned counsel appearing on behalf of the Petitioners fairly states that pursuant to the order passed yesterday i.e. 12.04.2022, Mr. Ramesh Madan Patel, the managing partner of the Petitioner No. 1, partnership firm is present in Court and has agreed to deposit the amount of Rs. 6,00,000/- each in the two suits and prays for extension of time to deposit the said amounts. She submitted that considering severe financial constraints, the Petitioners were unable to raise and arrange the deposit of the said amounts and has therefore sought

extension of time. She submitted that the Petitioners shall deposit the amount as directed by the learned trial court within a period of 12 weeks from today. Mr. Ramesh Madan Patel shall file an undertaking to that effect in this Court within a period of two weeks from today.

6. Accordingly time for depositing the amount of Rs. 6,00,000.00 each in the trial court in the pending summary suits stands extended for a period of 12 weeks from today.

7. Writ Petitions stand disposed of in the above terms. Interim Applications are also disposed of.

[MILIND N. JADHAV, J.]

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