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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 5684 OF 2022

VARSHA SUDARSHAN DHARMADHIKARI

....PETITIONER

V/s.

RAMESH SHANKARRAO MANE AND ORS

.....RESPONDENTS

Mr. Ajinkya A. Badar Advocate for the Petitioner

Mr. Tejesh Dande a/w Mr. Aniket Aghade i/b Mr. Tejesh Dande and Associates for Respondents

CORAM : NITIN W. SAMBRE, J.

DATE: MAY 2, 2022.

P.C.:

- 1) Not on board. Mentioned. Taken on board.
- 2) Petition is by Defendants to Suit for recovery being Special Civil Suit No. 58/2016. Below Exh. 91 & 93 is an order impugned thereby delay caused in preferring Application for setting aside 'No W.S.' order is allowed and subject to deposit of amount of Rs. 15,00,000/- Petitioner is permitted to place on record written statement.
- 3) Said order is accepted by Respondent-Plaintiff whereas Defendants have questioned the same only on the ground that

condition of deposit of amount of Rs. 15,00,000/- which is part of the Suit claim is onerous and causing undue hardship. Mr. Badar would urge that said condition cannot be termed to be reasonable as same goes contrary to the very scheme of Order VIII Rule 10 of Code of Civil Procedure, 1908.

4) Mr. Tejesh Dande, counsel for Respondent would support the order impugned.

5) After having heard for sometime, in response to Court's query, Mr. Badar, counsel for the Petitioner on instructions assures that amount of Rs. 1,50,000/- (Rs. One Lakh Fifty Thousand Only) towards cost shall be deposited in the Trial Court within period of two weeks from today, subject to which condition of deposit of amount of Rs. 15,00,000/- be modified.

6) Statement is accepted as an undertaking to this Court. Liberty is also granted to file undertaking to that effect before the Trial Court. If the amount of Rs. 1,50,000/- with written statement is tendered before the Court below by 17/05/2022, the Trial Court is requested to accept the same. In case if the said undertaking of deposit of Rs. 1,50,000/- with written statement is not honoured,

Trial Court shall proceed with Suit as if order impugned dated 09/03/2022 govern the proceedings.

7) Once said undertaking is complied with, Mr. Badar assures that every endeavour shall be made and cooperation will be extended in expeditious disposal of the Suit.

8) In the aforesaid background, it is directed that Suit be decided expeditiously and in any case within period of 9 months from 17/05/2022. Any unreasonable prayer for adjournment be dealt with heavy cost.

9) Petition as such stands partly allowed in the above terms.

[NITIN W. SAMBRE, J.]