

Anand

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

WRIT PETITION 642 OF 2019

Ramesh D. Nasta

.Petitioner

Vs.

BASF India Limited

.Respondent

Mr. Mangal Bhandari a/w Mr. Dharmesh i/b. Ms Pranjali Bhandari, Advocate, for the Petitioner

Mr. Simil Purohit a/w Ms Jyoti Sinha, Mr. Haabil Vahanvaty & Mr. Deeshank Joshi i/b. Khaitan & Co., Advocate, for the Respondent

CORAM : ROHIT B. DEO, J.

DATE : 28.07.2022

P. C.

. By the order impugned, Summons for Judgment 24 of 2014 in Summary Suit 3684 of 2013 is rejected and leave to defend the suit is granted conditionally. The Defendant is required to deposit an amount of Rs. 18,00,000/- (Rs. Eighteen Lacs) in the Court within one month from the date of the order impugned.

2. This Petition assails the order impugned to the extent unconditional leave is not granted.

3. I am not required to delve into the merits of the rival contentions, since the parties have agreed that the order impugned can be modified with consent.

4. The condition of deposit of amount of Rs. 18,00,000/- (Rs. Eighteen Lacs) is substituted by the condition that the Defendant shall furnish, to the satisfaction of the Registry of the City Civil Court, Bank Guarantee issued by any Nationalized Bank to the tune of Rs. 18,00,000/- (Rs, Eighteen Lacs), within the next four weeks. Subject to the furnishing of the Bank Guarantee, the Written Statement shall be filed within the next six weeks.

5. The Defendant shall ensure that the Bank Guarantee shall be kept alive till the final disposal of the suit.

6. The Defendant shall further ensure that two weeks prior to the expiry of the period of the Bank Guarantee, fresh Bank Guarantee shall be furnished. If the

Defendant fails to comply with the said condition, the Registry of the City Civil Court shall ensure that the Bank Guarantee on record is duly encashed.

7. The learned trial Judge is requested to expedite the hearing of the suit and to finally dispose of the suit within 12 months from the date of framing of issues.

8. Needless to observe, that if the Defendant does not comply with the agreed Consent Terms, and does not furnish the Bank Guarantee within the next four weeks, the suit shall stand decreed and the learned trial Judge shall pass appropriate formal order.

9. The Petition is disposed of.

(ROHIT B. DEO, J.)