

Sayali Upasani

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

**INTERIM APPLICATION NO. 3744 OF 2023
IN
APPEAL FROM ORDER NO. 831 OF 2022
WITH
INTERIM APPLICATION NO. 17547 OF 2022**

Rajshree Ramesh Bare ...Applicant

In the matter between

Surekha Amol Kamble ... Appellant

Vs.

Rajshree Ramesh Bare ...Respondent

Mr. Prathamesh Bhurgude i/b K. Amol, Mr. Gurubala Birajdar,
for Appellant.

Ms. A. Borkar, for Respondent.

CORAM:- N. J. JAMADAR, J.

DATED:- 27th JULY, 2023

PC:-

- 1) Heard the learned Counsel for the parties.
- 2) The learned Counsel for the appellant submits that the appellant would deposit a sum of Rs.1,00,000/- with the Registry of the City Civil Court, today itself as the appellant is

carrying a cheque No. 758995 of Indusind Bank dated 28th July, 2023.

3) Since the appellant has shown readiness and willingness to deposit the amount of Rs.1,00,000/- and also undertakes to pay the amount of Rs.5,000/- per month in terms of the order of Supreme Court, the impugned order dated 22nd July, 2022, striking of the defence of the appellant-defendant stands quashed and set aside.

4) The defence/written statement of the defendant stands restored.

5) The Court is informed that the plaintiff has closed her evidence. The evidence of the defendant-appellant is yet to be adduced.

6) Let the defendant file an affidavit in lieu of examination-in-chief on or before 7th August, 2023.

7) By an order dated 26th October, 2018, the Supreme Court has directed to expedite hearing of L.C. Suit No. 4335 of 2013.

8) The learned Judge, City Civil Court, is requested to make an endeavor to decide the suit as expeditiously as possible and, preferably, within a period of six months from the date scheduled for filing the affidavit in lieu of the examination-in-

chief of the defendant.

9) The Appeal stands disposed.

10) In view of disposal of the Appeal, the Interim Application also stands disposed.

11) The plaintiff-respondent is at liberty to file an application for withdrawal of the amount already deposited and to be deposited by the appellant-defendant before the trial Court.

[N. J. JAMADAR, J.]