

SA Pathan

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

WRIT PETITION NO.6810 OF 2023

Udya Ghanshyam Naik

Being the proprietor of M/s. G. N.

Construction

... Petitioner

V/s.

Nikita Nitin Agarwal

... Respondents

Mr. Raju Suryawanshi i/by Mr. Suraj Naik, for
Petitioner.

Mr. Girish Kedia a/w Mr. Krushang Kedia, for
Respondents.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 6, 2023

P.C.:

1. Considering controversy involved parties agreed that no reasons be assigned for passing of the order.
2. Prima facie, it appears that the defendant has accepted signature on the disputed cheque. Therefore, in exercise of power, the Trial Court granting conditional leave to the petitioner on deposit of Rs.50 lakh cannot be faulted.
3. It is, therefore, clarified that as per clause (2) of the order dated 11 April 2023, the defendant shall deposit amount in the Trial Court within six weeks from today. Since the petitioner has

already deposited Rs.25 lakh, the petitioner shall deposit balance Rs.25 lakh within six weeks from today in the Trial Court.

4. Except the aforesaid modification, there is no modification in rest of the order.

5. The writ petition stands disposed of.

(AMIT BORKAR, J.)