



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.511 OF 2023**

Nasim Ahmed Shaikh ... Appellant
versus
Salahudeen Sainudeen ... Respondent
WITH
APPEAL FROM ORDER NO.512 OF 2023

Salauddin Sainuddin ... Appellant
versus
Nasim Ahmed Shaikh ... Respondent

Mr. M.A.Khan for Appellant in AO 511 of 2023 and for Respondent in AO 512 of 2023.
Mr. Sanjay Kulkarni for Respondent in AO 512 of 2023 and for Appellant in AO 511 of 2023.

CORAM: N.J.JAMADAR, J.

DATE : 18 JULY 2023

P.C.

1. These appeals are directed against an order dated 8 March 2023 in Summary Suit No.188 of 2015 whereby the learned Judge, City Civil Court was persuaded to grant leave to defend the suit to the Defendant-Appellant in AO 512 of 2023, subject to deposit of a sum of Rs.5 Lakhs.

2. Summary Suit was instituted in the year 2015. Having regard to the nature of the controversy and the amount directed to be deposited by the learned Judge, City Civil Court, as the condition to defend the suit, it would be expedient if the Defendant-Appellant in AO No.512 of 023 is granted further time to make the

deposit of Rs.5 Lakhs and the Summary Suit itself is heard and decided expeditiously.

3. The Appeals, thus, stand disposed by extending time to make deposit of Rs.5 Lakhs by 10 weeks from today.

4. The Defendant-Appellant in AO 512 of 2023 shall file written statement within a period of one month from the date of deposit of the said amount.

5. In the event the deposit of Rs.5 Lakhs is made by the Defendant-Appellant in AO 512 of 2023 within the aforesaid period, and the written statement is filed, the learned Judge, City Civil Court is requested to make an endeavour to decide the suit as expeditiously as possible and preferably within a period of 9 months from the date of filing of the written statement.

6. The amount of Rs.5 Lakhs, if deposited by the Defendant-Appellant in AO 512 of 2023, shall be invested in an interest bearing account.

7. Appeals disposed.

8. Interim application(s), also stand(s) disposed.

9. No costs.

(N.J.JAMADAR, J.)