

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.13994 OF 2023
IN
FIRST APPEAL NO.778 OF 2023**

Shree Vishal Jewellers NX	]	
(A Partnership Firm)	]	
Represented by following persons	]	
Kantilal Himmatlal Sonigara and others	]	Applicants

IN THE MATTER BETWEEN:

Shree Vishal Jewellers NX	]	
(A Partnership Firm)	]	
Represented by following persons	]	
Kantilal Himmatlal Sonigara and others	]	Appellants
Vs.		
Swarupa Lodha	]	Respondent

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Mr. B.K. Bali a/w Ms. Meghna Vijan i/b Ms. Meghna Vijan, for
Appellants/Applicants.

Ms. Hemangi D. Pathare, for Respondent.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 7th August, 2023.

P.C.

1. After hearing learned Counsel for the applicant for some time, on instructions, he submits that the applicant is unable to deposit decretal amount. The trial Court has granted prayer of the applicant under Order-37, Rule-5 of the C.P.C with a condition that the applicant shall deposit an amount of Rs.17,00,000/- in the said

Court on or in the alternate furnish bank guarantee of equal sum within one month.

2. Applicants have neither deposited the said amount nor furnished bank guarantee within one month in the trial Court.

3. In view of second proviso to Order-37, Rule-5 of the C.P.C, despite granting leave to defend if the amount claimed by the plaintiff is not deposited or the order passed by the trial Court is not complied with, leave to defend ceases to exist.

4. As such, the application is without any merit and hence, rejected.

5. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]