



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.6501 OF 2023

Shri Mukesh S/o Krushnarao Jadhav .Vs. Shri Nakul S/o Tarun Parmar

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.S. Bhoyar, Advocate for petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 27/09/2023

1. The order dated 29.08.20 passed by the Civil Judge Senior Division, Nagpur in Summary Civil Suit No.545 of 2022 allowing the application filed by the petitioner seeking leave to defend the suit, subject to condition that the petitioner shall deposit in the Court 50% of the suit amount within one month from the date of the order, is under challenge in this writ petition.

2. After going through the order, it is evident that, the learned trial Court has taken into consideration the well settled law in this regard as reiterated in the judgment of the Hon'ble Supreme Court of India in the case of *Santosh Kumar V/s Bhai Mool Singh*¹ and in the case of *Mechelec Engineers & Manufacturers Vs. Basic Equipment Corporation*² and thereupon has observed that the petitioner has reasonable defence and at the same time, the

1 AIR 1958 SC 321

2 AIR 1977 SC 577

Court has observed that, the petitioner has admitting that he has taken loan and issued cheques to the amount.

3. Thus, considering the said admission, the trial Court has granted leave to defend, subject to condition of deposit of 50% amount.

4. In the circumstances, I do not find any error committed by the learned trial Court in passing the impugned order.

Accordingly, the writ petition is **dismissed**.

JUDGE