

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1117 OF 2020

M/s. Electro Trade

Petitioner

.. (Orig. Defendant)

Versus

Hager Electro Pvt. Ltd.

Respondent

.. (Orig. Plaintiff)

WITH
INTERIM APPLICATION NO.185 OF 2024
IN
WRIT PETITION NO.1117 OF 2020

M/s. Electro Trade

.. Applicant

Versus

Hager Electro Pvt. Ltd.

.. Respondent

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- Ms. Sushma Singh a/w. Ms. Mansi Pawar i./by S. K. Singhi & Partners LLP, Advocate for Petitioner.
 - Ms. Anushka Jadhav i./by Nehru and Co., Advocate for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 02, 2024

P.C.:

1. Heard Ms. Singh, learned Advocate for Petitioner and Ms. Jadhav, learned Advocate for Respondent.

2. Ms. Singh would submit that the impugned order is passed below Exhibit-29 in Special Summary Suit No.67 of 2016 is dated 21.11.2019.

3. By virtue of the said order, Defendant has been directed to deposit an amount of Rs.35,47,939.25 paise or to provide bank

guarantee to defend the suit.

4. From reading of the defence taken by the Defendant which is enumerated in paragraph Nos.3 and 5 of the impugned order and as recorded by the Trial Court and the relationship between the parties and after considering the same, I have put across to Ms. Singh to show the Defendant's bonafides and considering that principal amount of Rs.26,00,000/- involved in the present case, if Defendant is ready and willing to deposit a substantial amount within a period of six weeks from today, leave to defend shall be allowed by this Court.

5. Ms. Jadhav opposes the same stating that apart from the principal amount there is levy of interest also and the total amount therefore is much higher. Though in the impugned order it is stated that there exist 26 invoices between the parties in so far transactions are concerned with respect to various orders, it is contended by the Writ Petitioner that there are 46 invoices.

6. Ms. Jadhav would however submit that there are in fact 46 invoices but there is a clear admission on the part of the Defendant that part-payment has been made in respect of most of the invoices.

7. After taking instructions, Ms. Singh would submit that an amount of Rs.15,00,000/- shall be deposited by the Defendants within a period of six weeks from today. In that view of the matter, order dated 21.11.2019 shall stand as it is save and except the change in

amount of Rs.35,47,939.25 paise by appearing in the operative part of the order which now stands substituted to Rs.15,00,000/- and the Defendant is permitted to deposit the same i.e. Rs.15,00,000/- within a period of six weeks before the Trial Court from today.

8. Once the amount is deposited, the learned Trial Court shall proceed with the hearing of Special Summary Suit No.67 of 2016 and learned Trial Court is directed to determine the said Special Summary Suit No.67 of 2016 as expeditiously as possible and in any event within a period of six months from today. All contentions of the parties are expressly kept open.

9. With the above directions, Writ Petition is allowed and disposed.

10. In view of disposal of Writ Petition, pending Interim Application No.185 of 2024 is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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