

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5164 OF 2019

Novelty Power & Infratec Ltd

.. Petitioner

Versus

H.V. Industries

.. Respondent

-
- Mr. Saurish Shetye i/by Mr. Mrityunjay B. Barai for Petitioner
 - Mr. Vikhil Dhoka (through VC) for Respondent
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 1, 2024

P. C.:

1. Heard Mr. Shetye, learned Advocate for Petitioner and Mr. Dhoka (through VC) learned Advocate for Respondent.

2. In view of the order dated 07.08.2019 passed by this Court having been complied with by Petitioner, the impugned order dated 25.01.2019 is quashed and set aside. Summons for Judgment No. 22/2017 stands quashed and set aside only to the extent of the amount to be substituted in Clause 2 of the operative part of the order. In that view of the matter, Summons for Judgment stands allowed and leave to defend is granted. Concerned Registrar of Trial Court is directed to take necessary steps to immediately convert the Summary Suit into Short Cause Suit and proceed further in accordance with law.

3. I am informed that the amount as per order dated 07.08.2019 has been deposited in the Trial Court and in that view of the matter,

the said amount shall be invested as per the extant orders of this Court in any Nationalized Bank initially for a period of one year and thereafter as per the further directions of the learned Trial Court. Considering that the suit is of the year 2019, learned Trial Court is requested by this Court to dispose of the said Suit within a period of one year from today strictly in accordance with law. Trial Court shall not give any adjournments unless it is utmost necessary and there is an emergency. Needless to state that all contentions of the parties are expressly kept open.

4. In view of the above order, Defendants are permitted to file their written statement before the trial Court within a period of six weeks from today.

5. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

Amberkar

Digitally
signed by
RAVINDRA
MOHAN
AMBERKAR
Date:
2024.03.01
19:09:59
+0530