

HARSHADA H. SAWANT  
(P.A.)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.13243 OF 2016**

Annappa Shivappa Halijoli and Anr.

.. Petitioners

**Versus**

Geeta Jayesh Sheth

.. Respondent

.....

- Mr. Padmanabh D. Pise, Advocate for Petitioners.
- Ms. Trupti Bharadi a/w. Ms. Gayatri Surve, Advocates for Respondent.

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**CORAM : MILIND N. JADHAV, J.**

**DATE : MARCH 13, 2024**

**P.C.:**

**1.** Heard Mr. Pise, learned Advocate for Petitioners and Ms. Bharadi, learned Advocate for Respondent.

**2.** It is an unfortunate event that this Writ Petition bearing No.13243 of 2016 is pending on record and file of this Court till today though it has been heard by several Courts in the past. The order impugned is passed in Application filed below Exhibit-28 in Summary Civil Suit No.6 of 2015. Leave to defend is granted to the Defendants subject to furnishing bank guarantee of Rs.8,00,000/- within one month from the date of the order which is dated 29.09.2015.

**3.** By virtue of the present Writ Petition and more specifically order dated 08.12.2016, ad-interim relief was granted in terms of prayer clause (c) which has been unfortunately continued till today

resultantly staying the suit proceedings. I have perused the impugned order dated 29.09.2015 which is at Exhibit-C, page No.27 of the Writ Petition.

**4.** The facts of the present case are such that they do not entitle the Petitioner to maintain the Writ Petition. They have been adequately considered by the Trial Court while granting leave to defend alongwith necessary case laws cited by the parties. The suit is for recovery of Rs.16,03,517/-. Admittedly cheque issued by Defendants is on record. It is also agreed that Defendants had paid some amount to the Plaintiff. On the strength of these facts which are admitted and noted by the Trial Court Defendant has attempted to plead triable issues, which cannot be countenanced at all.

**5.** The impugned order is a well reasoned and cogent order which requires no interference. The impugned order is sustained, upheld and also confirmed. The learned Trial Court is directed by this Court to hear, decide and adjudicate the Summary Civil Suit No.6 of 2015 as expeditiously as possible and in any event preferably within a period of three months from today. Both the parties shall appear before the learned Trial Court on 28.03.2024 at 10.30 a.m. alongwith an authenticated copy of this order on which date, learned Trial Court shall immediately fix the further schedule of hearing subject to the deposit to be made by the Defendants as directed in the order dated

29.09.2015. The Defendant shall comply with the order of deposit of the amount of Rs.8,00,000/- within a period of two weeks from today.

**6.** With the above directions, Writ Petition is comprehensively dismissed and is disposed.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

HARSHADA  
HANUMANT  
SAWANT

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by HARSHADA  
HANUMANT  
SAWANT  
Date: 2024.03.13  
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