

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1143 OF 2024

M/s. Vertex Realtors and Anr.

.. Petitioners

Versus

Sumeet Pritamdas Rewari

.. Respondent

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- Mr. Ashwin Vasista a/w. Ms. Aishwary Manjrekar i./by Mr. Abhiraj Parab, Advocates for Petitioners.
- Mr. Uday Bhanu Sinh a/w. Mr. Ivor Peter D'Cruz and Mr. Pierre Fernandes i./by Mr. Ivor Peter D'Cruz, Advocates for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 01, 2024

P.C.:

1. Heard Mr. Vasista, learned Advocate for Petitioners and Mr. Sinh, learned Advocate for Respondent.

2. I have heard Mr. Vasista and Mr. Sinh and with their able assistance perused the impugned order dated 25.11.2022. Summons for Judgment stood rejected and conditional leave to defend is granted to the Petitioner subject to deposit of Rs.50,00,000/-. Though order was passed on 25.11.2022, till date the same having not been stayed, much time is lost.

3. Be that as it may, after going through the pleadings I have impressed upon Mr. Vasista to consider deposit of Rs.40,00,000/- without making any observations on merits in the matter by this Court, so as to enable the learned Trial Court to determine the *lis* between

the parties by keeping all questions and contentions of the parties expressly open.

4. After taking instructions Mr. Vasista would submit that Petitioners shall deposit the amount of Rs.40,00,000/- within a period of three weeks from today. It is clarified that no further extension of time shall be granted by this Court considering that only after deliberating with Mr. Vasista, I have persuaded Mr. Sinh to consider the same so that an early disposal and adjudication of pending suit takes place.

5. In his usual fairness Mr. Sinh would submit that Respondent is present in Court and he has given instructions to agree to the same. This stand of Mr. Sinh is appreciated by the Court.

6. In view of the above, the impugned order dated 25.11.2022 is sustained save and except to the extent of clause (B) of the operative part of the order wherein Rs.50,00,000/- will be substituted by Rs.40,00,000/-. Rest of the order shall remain the same.

7. Learned Trial Court is directed to dispose of Summary Suit No.137 of 2018 within a period of six months from today. Learned Trial Court is directed not to give any unnecessary adjournment to both the parties unless the adjournment is absolutely necessary, so as to ensure that Summary Suit is disposed of.

- 8.** All contentions of parties are expressly kept open and the suit shall be disposed of strictly in accordance with law.
- 9.** Needless to state that the amount of Rs.40,00,000/- shall be deposited in the Trial Court as directed in the impugned order.
- 10.** With the above directions, Writ Petition is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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