

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2942 OF 2024

Vandana Creations Pvt. Ltd.

...Petitioner

V/s.

Laxsons Systems Pvt. Ltd.

...Respondent

Mr.Karan Dua a/w Mr.Aansh Desai i/b. Pythagoras Legal:-	Advocates for Petitioner.
Ms.Shaheda Madraswala and Mr.Akshat Tiwari i/b. Vashi and Vashi:-	Advocates for Respondent.

CORAM : S. M. MODAK, J.

DATE : 11th NOVEMBER 2024

P. C. :-

1. Heard both the sides.
2. The order granting a conditional leave granted by learned Judge, City Civil Court dated 6th July 2023 is challenged in this Petition. While granting leave to defend, the trial Court has directed the Defendant to pay Rs.10,00,000/- (Rupees Ten Lakh) to the Plaintiff within two (2) months. That period has already expired and now, the

Respondent-Plaintiff has taken steps for execution of this order. It is fixed today before the City Civil Court.

3. Both the sides have made submissions such as, the Plaintiff is already holding certain amount and they owe it to the Defendant. It is denied. There is one more contention raised about the Defendants furniture in the shop. This allegation is also denied. A contention is also raised that the condition to deposit the amount is not justified as per the judgments pronounced by Hon'ble Supreme Court.

4. The matter needs to be heard. In the meantime, two arrangements can be made. The Petitioner-Defendant can be asked to deposit entire amount before the trial Court with direction to keep the amount in the Court, till disposal of the Petition and the parties can also think of referring the matter to Mediation. In view of that, **Execution filed by the Plaintiff before the City Civil Court is stayed till next date subject to following conditions:-**

- (a) The Petitioner to deposit Rs.10,00,000/- (Rupees Ten Lakh) in this Court within two (2) weeks.
- (b) If the amount is not deposited, stay will stand automatically vacated.

5. **Learned Advocate to take instructions as to whether the matter can be referred to Mediation.**

6. The Petitioner-Defendant is at liberty to file Written Statement within two (2) weeks and the trial Court to accept it.
7. It is made clear that the proceedings of the Suit are not stayed.
8. Stand over to 25th November 2024. To be listed “First on Board”.

[S. M. MODAK, J.]