

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5063 OF 2024

M/s. Sai Shardha Plumbing System Pvt. Ltd. and
Anr.

.. Petitioners

Versus

Manju Gullu Yadav

.. Respondent

.....

- Ms. Prabha Badadare, Advocate for Petitioners.
- Mr. Abhishek Pandey i./by Mr. Mayuresh Modgi, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 18, 2024

P.C.:

1. Heard Ms. Badadare, learned Advocate for Petitioners and Mr. Pandey, learned Advocate for Respondent.

2. In view of the reasons given in the order dated 16.04.2024 which need not be repeated today, Ms. Badadare on behalf of Writ Petitioner would submit that she has taken express instructions and Petitioners shall deposit 50% of amount which is claimed from Defendants by Plaintiff i.e. Respondent.

3. In view of the reasons enumerated in paragraph Nos.3 and 4 of the order dated 16.04.2024, I am inclined to accept the submissions made by Ms. Badadare subject to appropriate directions passed by this Court for disposal of Special Summary Suit No.37 of 2020 before the Trial Court, which has remained pending for past five years, as expeditiously as possible.

4. In view of the above, the Petitioners shall deposit an amount of Rs.12,50,000/- with the Trial Court within a period of six weeks from today. Once the amount is deposited, the learned Trial Court shall decide the pending Special Summary Suit No.37 of 2020 as expeditiously as possible and in any event within a period of three months from date of deposit. Alongwith deposit of amount to be made, the Trial Court shall accept the written statement of Defendants i.e. Petitioners before me.

5. Needless to state that this Court has not expressed any opinion on the merits of the matter though substantial reasons have been given in the previous order dated 16.04.2024 and the learned Trial Court shall not be influenced by any observations made therein while determining the suit proceedings. They shall not stand in the way of the Trial Court in determination of the suit proceedings since these reasons are *prima facie* and more importantly determination suit proceedings is the subject matter of the Writ Petition save and except the amount of deposit altered / modified by this Court to the extent above. All contentions of Plaintiffs and Defendant shall be expressly kept open.

6. With the above directions, Writ Petition is partially allowed and stands disposed.