

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8600 OF 2024

Dilip Jugraj Kothari	.. Petitioner
Versus	
Vansh Jayantilal Jain	.. Respondent

WITH
WRIT PETITION NO. 8601 OF 2024

Dilip Jugraj Kothari	.. Petitioner
Versus	
Usha Jayantilal Jain	.. Respondent

WITH
WRIT PETITION NO. 8602 OF 2024

Dilip Jugraj Kothari	.. Petitioner
Versus	
Jayantilal M. Jain	.. Respondent

WITH
WRIT PETITION NO. 8603 OF 2024

Dilip Jugraj Kothari	.. Petitioner
Versus	
Leena Gulabchand Jain	.. Respondent

WITH
WRIT PETITION NO. 8604 OF 2024

Dilip Jugraj Kothari	.. Petitioner
Versus	
Abhilasha Gulabchand Jain	.. Respondent

WITH
WRIT PETITION NO. 8605 OF 2024

Dilip Jugraj Kothari	.. Petitioner
Versus	
Mohit Gulabchand Jain	.. Respondent

WITH
WRIT PETITION NO. 8606 OF 2024

Dilip Jugraj Kothari	.. Petitioner
Versus	
Prabha Gulabchand Jain	.. Respondent

WITH
WRIT PETITION NO. 8607 OF 2024

Dilip Jugraj Kothari	.. Petitioner
Versus	
Harsh Jayantilal Jain	.. Respondent

AND
WRIT PETITION NO. 8608 OF 2024

Dilip Jugraj Kothari	.. Petitioner
Versus	
Gulabchand Borana, Hindu Undivided Family Through its Karta Mr. Gulabchand M. Borana	.. Respondent

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- Mr. Bhalchandra Palav a/w. Mr. Kiran Dubey, Advocates i/by Mr. Shailesh Mishra, Advocate for Petitioner in all Writ Petitions.
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 20, 2024.

P.C.:

- 1.** Heard Mr. Palav, learned Advocate for Petitioner in all Writ Petitions.

- 2.** By virtue of the impugned order passed by the learned Trial Court in 9 Suits rejecting Summons for Judgment and granting leave to defend to the Defendant on deposit of the amounts as stated in the individual orders, learned Advocate appearing on behalf the Defendant

in all suits would submit that despite the learned Trial Court having come to the conclusion that Defendant had a good case on merits, Defendant has been saddled with deposit of substantial amounts for leave to defend. He has submitted a chart which is taken on record and marked as “X” for identification. He would inform the Court that a total amount in excess of approximately Rs.31 lakhs has been directed to be deposited by the learned Trial Court for granting leave to defend as condition precedent in all 9 suits. He would submit that the Defendant has a good case on merits and urges the Court to hear him and draws my attention to the merits of Defendant’s case. However since the Plaintiffs are not present before me, I am inclined to hear the Plaintiffs on their objections and merits equally and only thereafter pass any order.

3. An arguable case has been made out by Mr. Palav for issuance of notice.

4. Hence, issue notice to Respondents in all Writ Petitions. Humdast permitted.

5. In addition to Court notice, Petitioner is permitted to serve a copy of the Writ Petition and this order on Respondents in all Writ Petitions and inform them about the next date of hearing within 2 days from today by any permissible mode of service and file an appropriate Affidavit of service with tangible proof of service having been effected.

6. After receiving notice, Respondents in all Writ Petitions are directed to remain present themselves or through Advocate and file their Affidavit-in-Reply on or before the next date, if so desired. Copy of the same shall be served on the Petitioner's Advocate in advance.

7. It is clarified that, these Writ Petitions shall be disposed of on the next adjourned date at the stage of admission itself and if the Respondents / Plaintiffs are served and do not remain present on the next adjourned date despite being served, these Petitions shall be disposed of after hearing the Petitioner in accordance with law on their own merits.

8. Stand over to **27th June, 2024 at 10:30 a.m.**

[MILIND N. JADHAV, J.]

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Digitally signed
by AJAY
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Date: 2024.06.21
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