

Amberkar

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

**WRIT PETITION NO. 10060 OF 2024**

Mayuri Mahesh Shirke

.. Petitioner

**Versus**

Hari Export Ltd

.. Respondent

- .....
- Mr. Mahesh H. Chandanshiv for Petitioner
  - Mr. Avinash D. Kango for Respondent
- .....

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

**DATE : JULY 29, 2024**

**P. C.:**

**1.** Heard Mr. Chandanshiv, learned Advocate for Petitioner and Mr. Kango, learned Advocate for Respondent.

**2.** Mr. Chandanshiv would submit that Petitioner is present in Court along with her husband. He would submit that there are immense practical difficulties faced by Petitioner - Defendant to arrange the money and comply with the order dated 12.06.2024 passed by the learned Trial Court. He would submit that one of the reasons for the Petitioner to land in the present problem happened due to the fact that she was doing the business along with her brother in law who expired two years ago. He would inform the Court that the husband of the Petitioner is a driver and earns salary of Rs. 25,000/- per month. He would inform the Court that Petitioner has two daughters aged about 17 years and 14 years, both are studying. That

apart he would also submit that pursuant to the demise of her brother in law, responsibility of his children aged about 20 years, 18 years and 16 years has also fallen upon the Petitioner. They are also studying. Hence he would submit that Petitioner would require sometime to accumulate the funds but still considering the aforesaid reasons, it would be extremely difficult for the Petitioner and therefore he seeks intervention of this Court with respect to the directions contained in the operative part of the impugned order.

3. *Prima facie* it is seen that the aforesaid submissions are not placed on record on affidavit but Mr. Chandanshiv would submit that the draft affidavit is ready and the same can be filed in the course of the day. Be that as it may, considering the submissions made by Mr. Chandanshiv, I am inclined to allow him to file appropriate additional affidavit to place on record the instructions received from the Petitioner. It is however made clear to the Petitioner that considering the relationship between the parties and delineation of the facts, it clearly established that since 2009, there has been a business relationship between the parties for distribution of notebooks as also considering the fact that an agency agreement which was executed between the parties dates back to 01.04.2010, an appropriate opportunity can be given or rather is required to be given to the Petitioner - Defendant to defend the Suit proceedings. However I have

impressed upon Mr. Chandanshiv that Petitioner will have to make a substantive deposit to the extent of 50% of the amount which stands determined in the impugned dated 12.06.2024 to show her bonafides. He would submit that Petitioner would require sometime to show her bonafides as her husband would be arranging the funds. Considering that the Petitioner is a lady and in view of the facts which are submitted by Mr. Chandanshiv with respect to her responsibility now undertaken by the Petitioner, she is directed to file the additional affidavit within a period of one week from today.

4. I am informed that the date before the Trial Court is 19.08.2024. In that view of the matter, present Petition shall be listed on **16th August, 2024**. To be placed under the caption "**First on Board**". On that date, this Court after considering the additional affidavit that shall be filed and the inclination shown by the Petitioner to deposit 50% of the amount stated in the impugned order, shall consider the case of the Petitioner and pass further appropriate orders.

Amberkar

[ MILIND N. JADHAV, J. ]

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by RAVINDRA  
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