

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
- Mayuri Mahesh Shirke, Petitioner is present.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 2, 2024

P. C.:

1. Mentioned at the time of rising. Matter is at Sr. No. 54.
2. Heard Mr. Chandanshiv, learned Advocate for Petitioner and Mr. Kango, learned Advocate for Respondent.
3. Pursuant to the order dated 29.07.2024, Mr. Chandanshiv would draw my attention to paragraph No. 3 of the order and place on record the affidavit dated 31.08.2024 on behalf of Petitioner. Petitioner is a lady and it is stated in the affidavit which has been filed today that somehow she has managed to arrange amount of Rs. 4 Lacs to show her bonafides. Affidavit is taken on record and what is stated in the affidavit of Petitioner having arranged amount of Rs. 4 Lacs is considered by the Court and Petitioner is directed to deposit the said amount of Rs. 4 Lacs in the learned Trial Court within a period of one

week from today positively. Considering the observation of the Court as delineated in paragraph No. 3 of the previous order, Petitioner undertakes to pay balance amount of Rs. 3.25 Lacs within a period of two weeks from today.

4. In that view of the matter, learned Trial Court shall allow the Petitioner to deposit the amount of Rs. 7.25 Lacs in place of the direction in the impugned order dated 12.06.2024 to deposit Rs. 14,56,833/-. It is directed that the amount of Rs. 7.25 Lacs shall stand substituted in place of of Rs. 14,56,833/- which is determined by the Trial Court in the said order. Rest of the order dated 12.06.2024 shall remain the same. Considering the fact that there is trading relationship between the parties which has been considered by this Court while passing the previous order and delineated in paragraph No. 2 of the order, this Court is inclined to allow the Petition by permitting the Petitioner to deposit the amount of Rs. 7.25 in substitution of the amount of Rs. 14,56,833/- which has been directed by the Trial Court in the impugned order. Rest of the order dated 12.06.2024 remains the same save and except the time frame which has now been permitted by this Court to deposit the aforesaid amount.

5. Written statement of the Defendant is ready. On payment of the second tranche of Rs. 3.25 Lacs, written statement of the Defendant

shall be taken on record and the Trial Court shall exhibit the same.
Thereafter Suit shall proceed strictly in accordance with law.

6. Presence of Petitioner for making the deposit stands exempted before the Trial Court as she has to travel from Pune. Needless to state that her Advocate shall represent her and make the deposits in the Registry of the Trial Court of the amounts as directed herein above.

7. With the above directions, Writ Petition stands disposed.

Amberkar

[MILIND N. JADHAV, J.]

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