



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.7252 OF 2024

(Dinesh s/o Chandanlal Siriya Vs. Kishor s/o Fulchand Talati)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. R. R. Prajapati, Advocate for Petitioner.
Mr. P. C. Malviya, Advocate for Respondent/Caveator.

CORAM: N. R. BORKAR, J.

DATE: 16th DECEMBER, 2024.

This petition takes exception to the order dated 08.10.2024 passed by learned 11th Joint Civil Judge, Senior Division, Nagpur below Exh.11 in Summary Civil Suit No.128/2023.

2. The respondent herein has filed a summary suit for recovery of amount of Rs.5,00,000/-. The suit is based on cheque allegedly issued by the petitioner.

3. By the order impugned, the learned trial Court has granted the petitioner leave to defend the suit subject to deposit of Rs.2,50,000/-.

4. The learned counsel for the petitioner submits that there are triable issues and therefore, unconditional leave should have been granted.

5. According to the petitioner cheques were stolen. The learned trial Court has dealt with the said aspect and

recorded valid reasons for not granting unconditional leave. I am, therefore, not inclined to interfere with the impugned order. The petition is dismissed.

(N. R. BORKAR, J.)

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