



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

WRIT PETITION NO. 2445 OF 2024

(M/s. Sai Coal Service, a Proprietorship Concern, Thr. Its Proprietor
Prashant Vitthalrao Kapse & Anr.

Vs.

M/s. Jitta Trading Company, A proprietorship concern of
Shri Mukul S/o Harikishan Jain)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.P. Thakare, Advocate for the Petitioners.
Mr. P.B. Agrawal, Advocate a/w Mr. S.K. Agrawal, Advocate for the Respondent.

CORAM: N.R. BORKAR, J.

DATED : 19th JULY, 2024

This Petition takes exception to the order dated 20.12.2023 passed by 12th Jt. Civil Judge Senior Division, Nagpur below Exh.13 in Sum.C.S. No.179/2023.

2. The Respondent herein has filed the summary suit against the Petitioners for recovery of amount of Rs.90,89,606/-. By the order impugned, the trial court has allowed the application filed by the Petitioners for leave to defend the suit subject to deposit of Rs.44,67,508/-.

3. I have heard the learned Counsel for the Petitioners and learned Counsel for the Respondent.

4. The learned Counsel for the Petitioners, submits

that the cheques in question were issued towards security. It is submitted that, the trial court has found that there are tribal issues involved in the suit. The learned Counsel for the Petitioners, submits that considering the facts and circumstances of the case, the trial court ought to have granted unconditional leave to defend the suit.

5. I have perused the impugned order. It appears that the Petitioners, in their reply to demand notice issued by the Respondent, have admitted their liability to the extent of Rs.44,67,508/-. I am therefore not inclined to interfere in the order impugned.

6. The Petition is **dismissed**. No costs.

7. Pending application/s, if any, shall stand disposed of accordingly.

(N.R. BORKAR, J.)