

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4767 OF 2024

Yashwant Madhavrao Garagate and ... Petitioners
Anr.

V/s.

Maharashtra State Road ... Respondents
Development Corporation Ltd. and
Ors.

Ms. Neha Bachim, i/by Kulkarni and Associates, for the Petitioners.

CORAM : N.J. JAMADAR, J.

DATE : 9TH APRIL 2025.

PC:

1. Heard the learned counsel for the petitioners.
2. The challenge in this petition is to an order dated 5th December 2022 passed by the learned Judge, City Civil Court, whereby the petitioners, along with defendant nos.1, 3 and 4 have been granted leave to defend the suit subject of payment of an amount of Rs. 10 lakhs to the plaintiff within two months thereof.
3. Since the order was passed on 5th December 2022, the petitioners were directed to file a copy of the roznama of the proceedings to ascertain as to whether on account of default in the compliance of the said condition of deposit, the trial Court has proceeded with the suit.

4. From the perusal of the copy of roznama, it appears that in view of the pendency of this petition, the suit has been adjourned for compliance by the defendants.

5. The learned counsel for the petitioners, on instructions, submits that the petitioners/defendant nos. 2 and 5 are willing to deposit a sum of Rs. 2 lakh each, which falls to the share of the defendants.

6. Since the impugned order was passed on 5th December 2022 and there has not been any progress in the suit, it would be expedient that defendant nos. 2 and 5 are permitted to defend the suit by depositing the amount of Rs. 2 lakh each i.e. Rs. 4 lakh.

7. The petition, thus, stands disposed with liberty to the defendant nos. 2 and 5 to deposit an amount of Rs.2 lakh each, within a period of one month from today.

8. In the event of such deposit, the defendant nos. 2 and 5 shall be entitled to file written statement within a period of 30 days thereafter.

(N.J. JAMADAR, J)