



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

WRIT PETITION NO. 4500 OF 2025

(Jalandhar Dharmaji Gaikwad & Anr. V/s M/s Rajlaxmi Steel Traders, Nagpur)

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. S. M. Pande, Advocate for Petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : AUGUST 13, 2025.

1. Heard Mr. Pande, learned Counsel for the Petitioners.
2. The learned Counsel for Petitioners seeks leave to amend to correct the prayer clause – (i) of the Petition. Leave is granted. Necessary amendment be carried out within a week from today.
3. Petitioners' challenge is to the order dated 17/7/2025 passed by the trial court, granting conditional leave to defend the suit, subject to depositing amount of Rs.3,00,000/- in the Summary Civil Suit No. 771/2024.
4. The learned Counsel for Petitioners submits that the Petitioners, who are Defendants, had made out a case seeking unconditional leave to defend the suit and even the trial court had observed in concluding paragraph of the reasoning that Defendants are entitled for unconditional leave to defend,

however, in operative part of the order, Court had imposed condition of depositing amount of Rs. 3,00,000/-.

5. In view of this, issue notice for final disposal to the Respondent, returnable after four weeks.

6. In the meantime, there shall be ad-interim stay in terms of prayer clause – (ii) of the Petition, which reads thus :

“(ii) grant ad interim stay to effect and operation of order dated 17/7/2025 at Annexure-D, passed by 5th Joint Civil Judge Senior Division, Nagpur in Summary Civil Suit No. 771/2024.”

(PRAFULLA S. KHUBALKAR, J.)