

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 17570 OF 2025

M/s B.D. Impex Pvt. Ltd.

..Petitioner

Versus

M/s Varsha Forgings Ltd.

...Respondent

Mr. Girish B. Kedia, a/w Mr. Krushang Kedia & Ms. Ujwala
Karpe, for the petitioner.

Mr. Abhishek Kulkarni, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATE : 02nd FEBRUARY 2026

P.C.:

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 23rd June, 2025 passed by the learned Judge, City Civil Court whereby an unconditional leave to defend the suit has been granted.
3. The learned Judge, City Civil Court was persuaded to grant an unconditional leave as the defendant had allegedly credited the due amount of Rs. 6,25,028/- (Rupees Six Lakhs Twenty Five Thousand and Twenty Eight) to an account which the defendant was deceived to credit by a fraudster. The defendant has lodged an FIR in connection with the said incident.

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4. The Court is informed that, pursuant to the impugned order, the defendant has filed the written statement and now the suit is listed for framing of issues on 12th February, 2026.

5. In these circumstances, there is no propriety in entertaining the petition against the grant of unconditional leave to defend the suit. A condition on which leave can be granted, need not necessarily be that of deposit of amount. It can very well be as to time for trial. In the peculiar circumstances, this Court considers it appropriate to fix peremptory timeline for the completion of the trial.

6. Hence, let the issues be framed on 12th February, 2026.

7. The plaintiff-petitioner shall file affidavit of evidence in lieu of the examination-in-chief, affidavit of documents and compilation of documents within a period of two weeks thereafter.

8. The Defendant-respondent shall file affidavit of documents and compilation of documents within a period two weeks thereafter.

9. The discovery and inspection be completed within a period of two weeks of the filing of the affidavit in lieu of the examination-in-chief, affidavit of documents and compilation of documents.

10. After completion of aforesaid exercise, the learned Judge, City Civil Court is requested to hear and decide the suit as expeditiously as possible and, preferably, within a period of three months thereafter.

11. It is clarified that, the learned Judge, City Civil Court shall not be influenced by any of the observations made in the impugned order, while finally adjudicating the suit.

12. The petition stands disposed.

[N. J. JAMADAR, J.]