

ITEM NO.40

COURT NO.12

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 28883/2017

(Arising out of impugned final judgment and order dated 08-09-2017 in CA No. 17/2016 passed by the High Court Of Judicature At Bombay)

SMITA NILESH PHARANDE

Petitioner(s)

VERSUS

M/S. NAVYUG DISTRIBUTORS & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.111681/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.111682/2017-EXEMPTION FROM FILING O.T.)

Date : 10-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Vinay Navare, Adv.
Ms. Gwen Karthika, Adv.
Ms. Abha R. Sharma, AOR

For Respondent(s) Ms. Udita Singh, Adv.
Mr. Rajmani Verma, Adv.
Mr. Navdeep Vora, AOR

UPON hearing the counsel the Court made the following
O R D E R

The present case arises out of a summary suit in which the petitioner was granted conditional leave upon deposit of Rs. 1,00,00,000/- within eight weeks. An appeal against the said learned Single Judge judgment was unsuccessful, which is how the petitioner before us.

Learned counsel for the petitioner argues that in the plaint itself, it has been made clear that she took over only after the demise of her father in-law and her husband. The debts incurred by her, therefore, would not amount to more than Rs. 19,00,000/- and odd.

Having regard to the fact that the petitioner is a widow who took over the reins of the business and given that she was in an extremely bad economic condition, we think that the ends of justice would be met if the deposit order of Rs. 19,00,000/- be substituted for the order of Rs. 1,00,00,000/-. The petitioner will, therefore, deposit Rs. 19,00,000/- within a period of twelve weeks from today.

The special leave petition is, accordingly, disposed of.

(SHASHI SAREEN)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER