



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 954 OF 2020

Ncm Shoava Engineers (Pvt.) Ltd. and
Anr

...Petitioners

V/s.

Hydrotek Engineers Through Partner S.
R. Bhat and Anr

...Respondents

Mr. Abhishek Bhat *a/w Mr. Amit Karle and Mr. Sameer Tiwari i/b S. K. Legal Associates LLP for Petitioners.*

Mr. Anurag R. Mishra *a/w Mr. Nikhil Dongre for Respondent No. 1.*

CORAM: SANDEEP V. MARNE, J.

DATED: 28 SEPTEMBER 2026.

P.C.:

1) The Petitioner challenges order dated 17 October 2019 passed by the sixth Joint Civil Judge Senior Division, Pune allowing Application at Exh-18 taken out by the Petitioner/Defendant seeking leave to defend.

2) I have heard Mr. Bhat, the learned counsel appearing for Petitioners and Mr. Mishra, the learned counsel appearing for Respondents and have considered the submissions canvassed by them.

3) Perusal of email dated 7 December 2016 sent by the Defendant to the Plaintiff contains a clear admission that the Defendant was intending to clear off the outstanding dues. Defendant apparently requested for working out a schedule for clearing of the outstanding dues. The email dated 7 December 2016 was issued in response to Plaintiff's threat vide email dated 3 December 2016 not to offer further parts on account of pendency of outstanding dues. Thus, there appears to be some admission of liability on the part of the Defendant to clear off the pending dues of the Plaintiff.

4) The learned counsel appearing for the Petitioner has sought to raise issues about the quality of the parts supplied. However, atleast in the email dated 7 December 2016, no such issues were flagged by the Defendant. Considering the above position, grant of conditional leave by the Trial Court subject to deposit the entire principal claim amount of Rs. 17,26,055/- appears to be in order. There is no warrant for interference in the impugned order.

5) Writ Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]