

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/SPECIAL CIVIL APPLICATION NO. 2819 of 2026**

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BHATIA INTERNATIONAL (INDIA) THROUGH ITS PARTNER GAGNISH  
BHATIA  
Versus  
M/S. MITTAL COTEX INDIA PVT. LTD.

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Appearance:  
MS. BHAVNA D ACHARYA(6406) for the Petitioner(s) No. 1

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS.  
JUSTICE SUNITA AGARWAL  
and  
HONOURABLE MR. JUSTICE D.N.RAY**

**Date : 02/03/2026**

**ORAL ORDER**

**(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

1. The petitioner herein seeks to challenge the order dated 06.02.2026 passed by the Judge, Commercial Court, City Civil Court, Ahmedabad in rejecting the application Exh.36 seeking for extension of time to deposit 25% suit amount in compliance of the order dated 27.11.2025, whereby conditional leave to defend has been granted to the petitioner subject to the said deposits.

2. Bringing various papers pertaining to the illness of the father of the petitioner herein, it is sought to be demonstrated

before us that at the time, when the conditional leave to defend was granted by order dated 27.11.2025 subject to the deposit of 25% of the suit amount, the father of the petitioner was seriously ill and remained in the same condition till he had died on 23.01.2026. The medical papers/ prescription etc. of the Max Healthcare Hospital at New Delhi and the death certificate issued by the Municipal Corporation, Panipat Government of Haryana have been placed on record to submit that the petitioner's father had died in Panipat, State of Haryana on 23.01.2026 after a long critical illness.

3. The contention is that the learned Commercial Court though granted extension earlier vide order dated 22.01.2026 for making deposits, however, since on the very next day, the father of the petitioner had died, the order could not be complied with. The further extension has, however, been refused on 06.02.2026 and the matter is kept for summary judgment on 28.02.2026.

4. The petitioner has filed the present petition on 24.02.2026 and while the same was pending, an application bringing the said fact has been filed before the Commercial

Court on 27.02.2026.

5. Ms. Bhavna D. Acharya, learned advocate appearing for the petitioner would submit that the matter is now kept on 25.03.2026 for passing of summary judgment by the Commercial Court on the said application moved by the petitioner.

6. Taking note of the above, a **notice be issued** to the respondent through *Speed Post*, returnable on **16.03.2026**. Steps shall be taken within the **period of 48 hours**.

7. Learned advocate for the petitioner further prays and is granted permission to effect service upon the respondent through direct mode as well.

8. The affidavit of service shall be filed on the next date fixed. The petitioner is also required to bring the cheque/ bank draft of the amount, which was to be deposited under the order dated 27.11.2025, on the next date fixed.

**(SUNITA AGARWAL, CJ )**

**(D.N.RAY,J)**

A. B. VAGHELA