

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

**INTERIM APPLICATION NO.1194 OF 2022  
IN  
CONTEMPT PETITION NO.424 OF 2021**

Noor Mohammed Ibrahim Tambe ...Applicant

In the matter between

Noor Mohammed Ibrahim Tambe ..Petitioner

Versus

Imperial Tube and Hardware Mart  
and Anr. ...Respondents

....

Mr. Akshay R. Kapadia for the Applicant.

Mr. Jaydeep Deo for the Respondent.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 13<sup>th</sup> OCTOBER, 2023.**

**P. C. :-**

1. By this application, the Applicant seeks withdrawal of amount of Rs.2,00,000/-, which was deposited by the Respondents pursuant to order dated 30/06/2021 passed in Contempt Petition (Stamp) No.2635 of 2021.

2. The records reveal that the Applicant had filed contempt petition alleging breach of order dated 15/01/2020 passed in Civil Revision Application No.501 of 2018. Said order records that the Trial Court had submitted a report pursuant to order dated 25/03/2019 and

that the said report indicates that the Respondents herein had deposited the contractual rent in the Trial Court on the first date of hearing i.e. on 03/07/2003. The Revision Application was admitted and ad-interim relief was confirmed with directions to the Respondents to continue to pay the contractual rent with permitted increases i.e. Cess, Municipal Taxes and other incidental charges, if any and payment to Statutory Authorities during the pendency of the Revision Application.

3. Order dated 30/06/2021 records that counsel for the Respondents, under instructions made a statement that the Respondents would deposit an amount of Rs.2,00,000/- without prejudice to the rights and contentions. It is pursuant to this order that the Respondents have deposited an amount of Rs.2,00,000/-. Said order as well as the reply filed by the Respondents indicates that the Respondents have disputed having committed any breach and denied that they are liable to pay the amount. The Respondents have deposited the amount without prejudice to the rights and contentions. In such circumstances, the Applicant is not entitled to withdraw the amount at this stage. Hence, the application is dismissed.

**(SMT. ANUJA PRABHUDESSAI, J.)**