

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 650 OF 2023  
IN**

**APPEAL NO. 71 OF 2022**

Ashok B. Gupta ...Applicant/Org.

Appellant

**IN THE MATTER BETWEEN**

Ashok B. Gupta ...Appellant

Versus

Jayesh H. Pandya and Ors. ...Respondents.

**ALONG WITH  
INTERIM APPLICATION (L) NO. 1361 OF 2023  
IN**

**APPEAL NO. 70 OF 2022**

Vinay Poddar ...Applicant/Org.

Appellant

**IN THE MATTER BETWEEN**

Vinay Poddar ...Appellant

Versus

Jayesh Pandya and Ors. ...Respondents.

**ALONG WITH  
INTERIM APPLICATION (L) NO.1984 OF 2023  
IN**

**APPEAL NO. 30 OF 2023**

Rajendra D. Gupta ...Applicant/Org.

Appellant

**IN THE MATTER BETWEEN**

Rajendra D. Gupta ...Appellant

Versus

Jayesh Pandya and Ors. ...Respondents

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Mr. Aseem Naphade a/w. Ms. Dhvani Mody i/by C. J. Kambli the  
applicant in IA/650/2023.

Mr. Mustafa Doctor, Senior Advocate a/w. Mr. Prateek Pai, Ms. Sita Kapadia, Mr. Shashwat Rai and Ms. Nikita Ganesh i/by Keystone Partners for the applicant in IAL/1361/2023.

Mr. Durgesh Rege a/w. Ms. Poorva Lamba for the Applicant in IAL/1984/2023.

Mr. Saurish Shetye i/by Ms. Jacinta D'silva for respondent no.1.

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**CORAM : DHIRAJ SINGH THAKUR AND  
KAMAL KHATA, JJ.  
DATED : 20TH APRIL 2023.**

**P.C.:**

1. The above mentioned Interim Applications are being disposed of by a common order as they are interconnected and seek the same relief viz. condonation of delay and restoration of their respective appeals on similar grounds and circumstances. For the sake of brevity we advert to the Interim Application No. 650 of 2023 in Appeal No. 71 of 2022.

2. By this Interim Application the Applicant/Appellant seeks condonation of delay in filing this interim application, restoration of the Letters Patent Appeal, cancellation of Warrant of Arrest dated 6<sup>th</sup> January 2023, release of Applicant from Civil prison and stay of operation of Order dated 11<sup>th</sup> April 2007 and ad-interim

reliefs in the above terms.

3. Learned Counsel for the Applicant/Appellant submitted that by an order dated 16<sup>th</sup> January 2023 this Court was pleased to direct release of the Applicant from custody upon filing an undertaking on Affidavit not to leave the State of Maharashtra without prior leave of this Court and subject to depositing his passport with the Prothonotary and Senior Master, High Court Bombay by 5 p.m. on 17<sup>th</sup> January 2023. Thereafter on 14<sup>th</sup> February 2023, this Court called upon the Applicant to file an Affidavit explaining his conduct and why he did not even consider it necessary to file reply to the Contempt Petition. It is submitted that the Applicant has filed a further Affidavit dated 3<sup>rd</sup> March 2023 as per the direction of this Court.

4. It was vehemently urged that the Appeal was wrongly dismissed for non-removal of office objections by an order dated 20<sup>th</sup> February 2014 as a search of the proceedings indicated that the office objections were removed as early as on 4<sup>th</sup> June 2007. He submitted that the delay be condoned, the appeal be restored to file and the restrictions on his travel be lifted by returning his passport which is deposited with this Court.

5. Per Contra the Learned counsel for Respondent No. 1

contended that the Applicant has suppressed material facts and documents which would show that he has been aware of the orders of this Court and has been wilfully disobeying the same. It was accordingly submitted that the Application be dismissed.

6. A perusal of the reply and rejoinder and the compilation of orders filed by the Applicant indicate that absence of noting that office objections were removed led to a series of unpleasant events. It appears that the Applicant/Appellant were not diligent and have not taken the Court matters seriously as it should have been taken.

7. Be that as it may, in our view the Appeal deserves to be heard on merits and consequently, the delay deserves to be condoned. However, the Applicant shall pay costs of ₹ 25,000/- to Respondent No.1.

8. The other two Interim Applications are allowed and the Appeals stand restored to file on each of the Applicant paying costs of Rs. 25,000/- to the Respondent No.1.

**[KAMAL KHATA, J.]**

**[DHIRAJ SINGH THAKUR, J.]**