

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

**INTERIM APPLICATION NO. 13324 OF 2024
IN
WRIT PETITION NO. 5994 OF 2024**

Kiran Kashinath Karanje (HUF) And Anr. **... Applicants**

IN THE MATTER BETWEEN

Snehal Shailesh Borana **... Petitioner**

Versus

Additional Divisional Commissioner

Kokan Division Mumbai And Ors. **... Respondents**

Mr. Abhijit P. Kulkarni a/w Gourav Shahane, Mr. Abhishek Roy for
the Applicants / Original Respondent Nos. 3 & 4.

Ms. T. J. Kapre, AGP for Respondent Nos. 1 & 2.

Mr. Sahil Mahajan for Original Petitioner.

CORAM : SANDEEP V. MARNE, J.

DATE : 3 OCTOBER 2024.

P.C. :

1) Interim Application is filed seeking recall of the Judgment and Order dated 12 August 2024 on account of failure on the part of the

original Petitioner to offer to Applicants/original Respondent Nos. 3 and 4 amount of Rs.15,00,000/- along with interest as directed by this Court in paragraph 27 (iv) of the order.

2) Mr. Mahajan, the learned counsel appearing for original Petitioner has made a statement that since the Petitioner was unwell, the amount as directed by this Court in paragraph 27 (iv) of the order could not be offered to the Applicants within the stipulated time. He would submit that the original Petitioner is willing to pay to original Respondent Nos. 3 and 4 the entire amount alongwith interest on or before 15 October 2024. The conduct of the original Petitioner in resiling from the voluntary statement made before this Court of paying the balance amount of consideration of Rs.15,00,000/- is not appreciated. It appears that one of the reasons why this Court interfered in the orders passed the Competent and the Revisional Authorities was the offer made on behalf of the original Petitioner to pay the balance amount of consideration of Rs.15,00,000/- together with interest to original Respondent Nos. 3 and 4. After having secured order from this Court setting aside the orders passed by the Competent and the Revisional Authorities, original Petitioner could not have resiled from the voluntary statement made before this Court as recorded in the Judgment and Order dated 12 August 2024. In that view of the matter, while permitting the original Petitioner to pay original Respondent Nos. 3 and 4 the balance amount of consideration alongwith interest, some costs are required to be imposed upon the original Petitioner for conduct exhibited before this Court.

3) Accordingly, the Interim Application is disposed of by passing the following order:

i) The original Petitioner shall pay to Applicants-original Respondent Nos. 3 and 4 amount of Rs.15,00,000/- alongwith simple interest at the rate of 8% from 1 January 2022 till 15 October 2024 on or before 15 October 2024.

ii) Petitioner shall pay to Applicants-original Respondent Nos. 3 and 4 costs of Rs.20,000/- over and above the amount directed to be paid above.

4) It is made clear that, if original Petitioner fails to pay to original Respondent Nos. 3 and 4 the amounts as directed above, this Court would be constrained to recall the Judgment and Order dated 12 August 2024. Applicants-original Respondent Nos. 3 and 4 shall be at liberty to move the Court in the event, there is failure on the part of the Petitioner in making payments in pursuance of the order passed by this Court.

[SANDEEP V. MARNE, J.]

(Note : This Order is corrected as per Speaking to the minutes order dated 10 October 2024.)