
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO. 120 OF 2024
IN
INTERIM APPLICATION(L) NO.16205 of 2022
IN
COMPANY PETITION NO.947 OF 2014

Sunil P. Mantri .. Appellant

Versus

Maharashtra Savings & Ors .. Respondents

Mr.Sahil Mahajan, Advocates for the Appellant.

Ms.Mansi Kaku, with Mr.Deepak Jamsanalekar, Advocates for Respondent Nos.1 and 19.

Mr.Rushabh Sheth with Chetan Shelke, Asstt.Official Liquidator, for the Official Liquidator.

CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE: NOVEMBER 13, 2024

P. C.

1. The above Appeal is filed challenging the order dated 1st June 2022 passed by the learned Single Judge in Interim Application (L)No.16205 of 2022 in Company Petition No.947 of 2014. In this Interim Application, the reliefs sought by the Appellant were: (a) that this Court be pleased to release the passport of the Appellant for the purposes of making an application to the

Passport Authorities for re-issuance of a new passport; and b) that the Appellant be allowed to travel to Nepal for attending the marriage ceremony of Ankita Garg from 2nd June 2022 to 8th June 2022. In the impugned order, it is recorded that the Appellant did not press for prayer clause (a), namely, for re-issuance of the new passport and restricted his arguments only to prayer clause (b) i.e. permission to travel to Nepal.

2. The learned Single Judge, after hearing the parties, by the impugned order rejected the request for permission to travel to Nepal and disposed of the above Interim Application. It is aggrieved by this order that the present Appeal is filed.

3. After hearing the parties, we pointed out to the Appellant that nothing would survive in the present Appeal because permission was sought to travel to Nepal was from 2nd June 2022 to 8th June 2022 and that too for a specific purpose. Not only have those dates gone but the purpose for which the Appellant sought to travel to Nepal also does not survive anymore. The learned counsel for the Appellant fairly stated that as far as that part of the order is concerned, namely, seeking permission to travel to Nepal (and which was rejected) cannot be challenged anymore in view of the subsequent events.

4. The learned counsel for the Appellant, however, submitted that since the passport of the Appellant has expired, he would like the release of his passport so as to enable the Appellant to make an application to the Passport Authorities for re-issuance of a new passport. We are afraid that this relief cannot be granted to the Appellant in the present Appeal. The scope of the present Appeal was only whether rejection of the permission to travel to Nepal was correct or otherwise. In the present Appeal the question of releasing passport of the Appellant for re-issuance of a new passport is not in issue because the said relief was not even pressed before the learned Single Judge. We, therefore, find that the relief sought for release of the passport of the Appellant for re-issuance of a new passport cannot be granted in the present Appeal.

5. We, however, note that prayer clause (a) of the Interim Application (before the learned Single Judge), namely, for release of his passport for re-issuance of a new passport was not pressed before a Learned Single Judge and obviously therefore there are no findings in relation to the said relief. We, therefore, grant liberty to the Appellant to file a fresh Interim Application with the aforesaid prayer before the learned Single Judge. If such an application is filed and served on all the Respondents herein, the

learned Single Judge shall hear the said application on its own merits and in accordance with law.

6. We may hasten to add that we have not opined one way or the other if the Appellant is entitled to such a relief or otherwise.

7. The above Appeal is accordingly dismissed with the above observations. However, there shall be no order as to costs.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]