

Digitally
signed by
HUSENBASHA
RAHAMAN
NADAF
Date:
2025.12.15
12:11:32
+0530

12 IA-6-2025 c.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 6 OF 2025
IN
WRIT PETITION NO. 6717 OF 2009

Rajni Tahil Bhambhawani	...Applicant
In the matter between	
Harish Kumar Narang	...Petitioner
Versus	
Rajni Tahil Bhambhawani	...Respondent

Mr. Ajay Panicker a/w. Ms. Lavanya Panicker i/b Ajay Law Associates for Applicant.
Mr. V. Y. Sanglikar a/w. Ms. Archana D. Gaware for Respondent/Org. Petitioner.

CORAM : M.M. SATHAYE, J.

DATE : 12th DECEMBER, 2025

P.C. :

1. Heard learned counsel for the parties.
2. This is an application by Respondent/Licensor seeking withdrawal of the amount deposited by Writ-Petitioner/Licensee. The application also prays for verification of the accounts, calling for a report from the concerned department and to initiate contempt proceedings against the Writ-Petitioner for deliberate non compliance of the Orders of this Court.
3. It is not disputed that the writ petition is finally disposed of under Order dated 24.06.2024 by which the writ petition was dismissed. There is also no dispute that by Order dated 06.09.2024 passed by the Hon'ble Supreme Court, the order passed in petition has been confirmed. This Court has granted certain directions from time to time, during pendency

of the petition as well as at the time of disposing of the petition regarding payment of compensation by the Writ-Petitioner to the Respondent in writ petition. There is no dispute that the possession of the suit-premises is received by the Respondent on 24.09.2024 in compliance of the order of the Hon'ble Supreme Court.

4. According to the Applicant, the Writ Petitioner has not complied with the orders of the deposit.

5. Learned counsel for the Writ-Petitioner Mr. Sanglikar submits that according to him, the Writ-Petitioner was depositing the amounts in this Court, over and above the payments directly made to the Respondent/Licensor, by cheques, up to 26.09.2017.

6. On a query by the Court as to what is Writ-Petitioner's liability under various orders passed by this Court, Mr Sanglikar submitted that according to him, the Writ-Petitioner was liable to pay the compensation as follows:

- i. On 04.08.2009 he was liable to pay Rs.50,000/-.
- ii. On 03.11.2009 he was again liable to pay Rs.50,000/-.
- iii. From June 2010 till April 2011, he was liable to pay @ Rs.10,500/- per month.
- iv. According to him, from May 2011 till December 2016, there was no direction to deposit any amount in the Court. During this period, direct payments were made by the Writ-Petitioner to the Respondent by cheques.
- v. From January 2017 till June 2023, he was liable to pay @ Rs.25,000/- per month.
- vi. From 01.06.2023 till 30.06.2024, he was liable to pay Rs.40,000/- per month.

7. Mr. Sanglikar learned counsel for the Writ Petitioner contends

that in view of Order dated 28.06.2019, the amount of Rs.94,500/- cannot be permitted to be withdrawn as it was deposited in excess.

8. In view of above, counsel for the Applicant will have to be heard further, for which time is sought.

9. According to the statement dated on 17.01.2025 issued by Nazir of this Court, an amount of Rs.8,65,000/- is lying in this Court.

10. Considering the aforesaid submissions, pending further consideration, the Registry is directed to release amount of Rs.7,70,500/- (8,65,000 – 94,500) with accrued interest if any, in favour of the Applicant. If any amount is deposited after 17.01.2025 by the Writ-Petitioner, the same also shall be released with accrued interest if any, in favour of the Applicant.

11. The remaining consideration of application about whether the Writ-Petitioner has deposited full amount as per various directions of the Court and whether any action for contempt is required to be initiated against the Writ-Petitioner shall be considered on next occasion after hearing learned counsel for the parties.

12. Mr. Sanglikar submits that the amount of deposit of Rs.1,00,000/- which was paid at the time when the suit-premises were taken on license, needs to be retained in the Court deposit. The said submission has no merit for the reason that the deposit was made privately between the parties and was not under the Order of the Court. In any case, it is the contention of the Writ-Petitioner that out of Court payments are made via cheques, which Mr. Sanglikar insists to be considered at the time of final disposal. Therefore, the amount of

deposit can also be considered at the time of final disposal of the application. Hence the request is rejected.

13. Stand over to 30.01.2026 for further consideration.

(M.M. SATHAYE, J.)