

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.103 OF 2025

IN

WRIT PETITION NO.3752 OF 2006

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Mazda Theatres Pvt. Ltd. & Ors.

...Applicants

IN THE MATTER BETWEEN:

Sushila Suresh Babu

...Petitioner

Versus

Mazda Theatres Pvt. Ltd. & Ors.

...Respondents

Mr. Bhavin Gada a/w. Ms. Mansi Shah, Advocates, i/b. Pravin Mehta and Mithi & Co., for the Applicant in I.A. No.103/2025/original Respondent No.1.
None for the original Petitioner.

CORAM: MADHAV J. JAMDAR, J.

DATED : 17th JANUARY 2025

P. C.:

1. Heard Mr. Bhavin Gada, learned Counsel appearing for the Applicant/original Respondent No.1-Landlord.

2. None for the original Petitioner.

3. This Court passed the following order in Writ Petition No.103 of 2006 today i.e. on 17th January 2025:

“1. This matter was listed on 7th January 2025 and as none appeared for the original Petitioner, the same was adjourned to 14th January 2025. On 14th January 2025, the matter was adjourned to 15th January 2025 for “dismissal”. On 15th January 2025 also none appeared for the Petitioner and therefore, the matter was kept today i.e. on 17th January 2025. Today also none appears for the original Petitioner.

2. Accordingly, the Writ Petition is dismissed for non-prosecution.

3. Interim relief stands vacated forthwith.”

Thus, the Writ Petition is dismissed for default and interim relief is vacated.

4. In the Interim Application, prayer is sought seeking withdrawal of the amount deposited by the Petitioner-Tenant from July-2015 to July-2022 along with interest accrued thereon.

5. Mr. Bhavin Gada, learned Counsel appearing for the Applicant/Respondent No.1 who is for the landlord states that certain amounts are deposited in this Court by the Petitioner.

6. As none appears for the original Petitioner, the Interim Application is allowed in terms of prayer clause (b) on the

condition that, all the Directors of the Applicant in Interim Application No.103 of 2025/the Respondent No.1-Company, shall file undertaking in this Court within a period of 15 days to the effect that in case, the Writ Petition is restored to the file or any further order is passed by the learned Executing Court, the amount deposited in this Court by the original Petitioner-Tenant pursuant to the interim order passed by this Court shall be deposited in this Court or before the Executing Court as the case may be, along with interest. It is also clarified that the withdrawal permitted by this order will be subject to the further orders passed by this Court or Executing Court. If such undertaking is filed, Registry to take steps to allow the Applicant in Interim Application No.103 of 2025 i.e. Respondent No.1 in the Writ Petition to withdraw the amount deposited by the Petitioner along with accrued interest.

7. The Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]