

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8581 OF 2025

M/s. Laboratoires Griffon Pvt. Ltd. (through
its authorized representative Mr. Pranit
Lopes)

...Petitioner

Versus

Mrs. Zulekha Usman Gani Patrawala and ors. ...Respondents

WITH

CONTEMPT PETITION NO. 522 OF 2025

M/s. Laboratoires Griffon Pvt. Ltd. (through
its authorized representative Mr. Pranit
Lopes)

...Petitioner

Versus

Mrs. Zulekha Usman Gani Patrawala and ors. ...Respondents

Mr. Mayur Khandeparkar, a/w Amit Patel and Rishabh
Jadhav, i/b Parinam Law Associates, for the Petitioner.
Mr. Ashok Saraogi, a/w Daksha Parmar, Pallavi Jaggi,
Poonam Rajbhar, i/b Prajot Jaggi, for the proposed
Respondent Nos.1, 2, 4 to 13, 16, 17, 18 and 21.

CORAM: N. J. JAMADAR, J.

DATED : 6th AUGUST, 2025

PC:-

1. Heard the learned Counsel for the parties.
2. Mr. Saraogi, the learned Counsel for respondent Nos.1, 2,
4 to 13, 16, 17, 18 and 21, seeks leave to tender affidavit-in-reply.

Leave granted.

3. Affidavit-in-reply is taken on record.
4. Mr. Khadeparkar, the learned Counsel for the petitioner,
seeks leave to tender affidavit-in-rejoinder.

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Leave granted.

5. Affidavit-in-rejoinder is taken on record.
6. On 8th July, 2025 after hearing the learned Counsel for the parties, this Court has passed, *inter alia*, the following order:

“2. On 27th June 2025, this Court had permitted the respondent to place on record the terms on which the plaintiff, its employees, agents and customers would be allowed to have ingress to, and egress from, the suit property. The respondents have placed the said terms on the record of the Court on 3rd July 2025. The petitioner has filed the comments in relation to each of the terms.

3. Prima facie it appears that the parties are at issue over most of the terms. Disputed questions of facts are raised.

5. It may not be expedient for this Court to delve into these disputed questions of facts, as the Court at the first instance to do.

6. The learned counsel for the respondents, on instructions, makes a statement that ingress to and egress from the leased premises would not be restrained by the respondents. The statement made on behalf of the respondents is accepted.”

7. The petitioner contends that there is a breach of the statement which is recorded in paragraph 6 of the aforesaid order. The respondents controvert the said contention of the petitioner.

8. The petitioner has also taken out an application to initiate action for the contempt of the said order by the respondents.

9. Mr. Khandeparkar, the learned Counsel for the petitioner, on instructions, submits that as the controversy is rooted in facts, the petitioner would file an application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 before the Court of Small Causes treating the order passed by this

Court on 8th July, 2025 to be an order passed by the Court of Small Causes and, in that event, in such proceeding all the disputed questions of facts can be determined by the said Court.

10. Mr. Saraogi, the learned Counsel for respondent Nos.1, 2, 4 to 13, 16, 17, 18 and 21, submits that the order passed by this Court can be treated as an order passed by the Court of Small Causes on the principle of merger of orders, and if such an application is filed by the petitioner, all the issues can be decided by the Court of Small Causes.

11. In view of the aforesaid submissions, the instant petition and the contempt petition stand disposed while continuing the aforesaid order dated 8th July, 2025 especially the statement recorded in paragraph 6 of the said order.

12. In the event the petitioner takes out an application under Order XXXIX Rule 2A of the Code, the Court of Small Causes shall consider the same as if it is an application for the disobedience of the order passed by the Court of Small Causes.

13. Save and except this position, all other contentions of the parties are kept open for consideration by the Court of Small Causes.

14. The writ petition and contempt petition stand disposed.

[N. J. JAMADAR, J.]