

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

**INTERIM APPLICATION NO.1446 OF 2025
IN
WRIT PETITION NO.12875 OF 2024**

Fashion TV India Pvt. Ltd. *...Applicant*

In the matter between

Fashion TV India Pvt. Ltd. *...Petitioner*

V/s.

Arvinder Singh Ahuja & Ors. *...Respondents*

**WITH
INTERIM APPLICATION NO.1448 OF 2025
IN
WRIT PETITION NO.12874 OF 2024**

Fashion TV India Pvt. Ltd. *...Applicant*

In the matter between

Fashion TV India Pvt. Ltd. *...Petitioner*

V/s.

Satinderpal Singh Ahuja & Anr. *...Respondents*

**WITH
INTERIM APPLICATION NO.1449 OF 2025
IN
WRIT PETITION NO.12876 OF 2024**

Fashion TV India Pvt. Ltd. *...Applicant*

In the matter between

Fashion TV India Pvt. Ltd.

...Petitioner**V/s.**

Satinderpal Singh Ahuja & Ors.

...Respondents

Mr. Girish Godbole, *Senior Advocate with Mr. Prashant Phophale i/b. M/s. PMH Law for the Petitioner.***Mr. Bhanu Chopra** *with Mr. Naresh Chheda with Ms. Shruti Shirke i/b. M/s. Dhruve Liladhar and Co. for the Respondents.**Mr. Ashiq Abbas Shabir Ali Jivani, Director of Petitioner present in Court.*

CORAM: SANDEEP V. MARNE, J.**Dated: 13 March 2025.****P.C.:**

1) Interim applications are filed seeking extension of time for making the deposits in terms of order passed by this Court on 19 September 2024. By that order, this Court had granted opportunity to the Petitioner to deposit arrears of monthly compensation payable upto December 2024 on or before 31 December 2024 and on that condition, order dated 3 May 2024 striking off Petitioner's defence was set aside.

2) Mr. Godbole, the learned senior advocate has tendered an undertaking of one of the directors of the Petitioner-company,

under which the Petitioner has undertaken to deposit amount of Rs. 1,09,94,330.5 till 31 March 2025, out of which, an amount of Rs.50,00,000/-is undertaken to be deposited upfront. The balance amount of Rs.23,08,435.75 is agreed to be deposited by 30 April 2025 and further amount of Rs.23,08,435.75 is undertaken to be deposited on or before 31 May 2025. The undertaking is taken on record and marked 'X' for identification. Same is reproduced as under:-

Undertaking of Director of Fashion TV India Pvt. Ltd., the Applicant / Petitioner abovenamed.

I, Mr. Ashik Abbas Shabbir Ali Jivani, aged about 44 years, having my office at Unit No.3, 4 & 9, Kamla Spaces, S.V. Road, Santacruz (West), Near Khira Nagar, Mumbai-400054, do hereby on solemn affirmation, undertake to do as follows:

1. I say that vide Order dated 19th September 2024, passed by Hon'ble Shri. Justice Sandeep V. Marne, Hon'ble High Court, Bombay ("Order"), the Applicant/Petitioner was permitted to deposit amount of monthly compensation determined by the Hon'ble Small Causes Court, at Bandra ("Trial Court"), with the Registrar of the Hon'ble Trial Court. The aforesaid payments are divided into parts, namely: arrears of monthly compensation for the period of June 2022 to December 2024; and from 1st January 2025, onwards, the Applicant / Petitioner, is permitted to deposit monthly compensation of Rs. 4,59,153/- (Rupees Four Lakh Fifty Nine Thousand One Hundred and Fifty Three Only) with the Registrar of the Hon'ble Trial Court.
2. In compliance of the aforesaid Order, I hereby undertake to deposit, in the manner as set out in the table below, till 31st March 2025:

Sr.No.	Particulars	Amount
1.	An upfront deposit	Rs.50,00,000/-
2.	Monthly compensation for the period of 1 st January 2025 till 31 st March 2025. (Rs.4,59,153/- x 3)	Rs.13,77,459/-
3.	First Instalment	Rs.23,08,435.75/-
4.	Second Instalment	Rs.23,08,435.75/-
5.	Total	Rs.1,09,94,330.5

3. In addition to the above, I hereby undertake to deposit the following two instalments, with the Registrar of the Hon'ble Trial Court:

Sr.No.	Particulars	Amount
1.	Third Instalment on or before 30 th April 2025.	Rs.23,08,435.75/-
2.	Fourt Instalment on or before 31 st May 2025.	Rs.23,08,435.75/-

4. I hereby undertake to abide to above schedule of payment and undertake to deposit monthly compensation for each month commencing from 1st April 2025, on or before 7th day of each month, with the Registrar of the Hon'ble. Trial Court.

3) There is delay on the part of the Petitioner in making the deposit. What was required to be deposited by 31 December 2024 is now being deposited by the Petitioner and some of the amounts would be deposited by 31 May 2025. In that view of the matter, it would be appropriate to direct the Petitioner to deposit interest @ 9% per annum in respect of delayed period for each of the deposits from 1 January 2025 till the date on which the deposit is made. The amount of interest shall be deposited by 31 May 2025.

4) The order dated 19 September 2024 shall accordingly stand modified. It is directed that if the Petitioner makes the deposits as per the undertaking submitted before this Court together with interest as directed above, the Small Causes Court shall not pass an order striking off Petitioner's defence. Needless to observe that upon failure of the Petitioner to make deposit in terms of the undertaking as well as the direction above, the Small Causes Court shall forthwith proceed to pass an order

striking off defence of the Petitioner. Petitioner/Defendant is permitted to file written statement within a period of four weeks from today.

- 5) Small Causes Court is requested to expedite the hearing of the Suit and to make an endeavour to decide the same as expeditiously as possible preferably within a period of one year.
- 6) With the above directions the Interim Applications are disposed of.

[SANDEEP V. MARNE, J.]