

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.5261 OF 2025
WITH
INTERIM APPLICATION NO.1884 OF 2025
[FOR DELAY CONDONATION]
WITH
INTERIM APPLICATION NO.1885 OF 2025
[FOR STAY]
WITH
INTERIM APPLICATION NO.1886 OF 2025
[FOR INTERVENTION]
WITH
APPEAL FROM ORDER NO.86 OF 2025

Mukesh Hiralal Mehta

...Appellant/Applicant

V/s.

Daksha Ajay Khatlawala and Ors.

...Respondents

WITH
FIRST APPEAL (ST) NO.5269 OF 2025
WITH
INTERIM APPLICATION NO.1880 OF 2025
[FOR DELAY CONDONATION]
WITH
INTERIM APPLICATION NO.1881 OF 2025
[FOR STAY]
WITH
INTERIM APPLICATION NO.1882 OF 2025
[FOR INTERVENTION]
WITH
APPEAL FROM ORDER NO.93 OF 2025

Harish Hiralal Mehta and Anr.

...Appellants/Applicants

V/s.

Daksha Ajay Khatlawala and Anr.

...Respondents

Mr.Nikhil Sonar i/b. W3Legal:-	Advocate for Appellants/Applicants.
Mr.Prashant Shinde:-	Advocate for Respondent No.3.

CORAM : S. M. MODAK, J.

DATE : 15th OCTOBER 2025P. C. :-

1. This *praecipe* is moved for modification in the order dated 6th October 2025. Two modifications are suggested. One, title clause of the First Appeal (ST) No.5269 of 2025 is not typed. Certainly that is a mistake which needs to be corrected. Let the concerned Private Secretary type the title clause of the concerned First Appeal. Second mistake is pointed out in direction No.(iii) of the said order. The direction reads thus:-

“(iii) *Respondent No.3 – Bank is at liberty to withdraw the Original Application No.103/2023 pending before DRT within four weeks from the uploading of the order.*”

2. A submission is made that in the last line, instead of “*within four weeks*”, it be corrected as “*after four weeks*”. This is opposed on behalf of the Bank. If it is opposed, the modification cannot be made by simply moving a *praecipe*. Secondly, there cannot be a direction that withdrawal shall be after four weeks from the date of uploading of the

order. Additionally, learned Advocate for the Bank is kind enough to submit that when they will withdraw the proceedings before Debts Recovery Tribunal (“DRT”), they will give advance notice to the Appellant. I think this is sufficient enough for the Appellant to take appropriate steps as recorded in the said order. Hence the prayer is rejected.

[S. M. MODAK, J.]