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

**COMMERCIAL FIRST APPEAL NO. 11 OF 2025
WITH
INTERIM APPLICATION NO. 3065 OF 2025**

V. D. Poonawala Jewelers, Mumbai	.. Appellant
Versus	
Badrilal Soni	.. Respondent

Mr. Chandrakant Chavan for appellant/applicant.

**CORAM: ALOK ARADHE, CJ. &
 BHARATI DANGRE, J.**

DATE: 6th MARCH, 2025

P.C.:

1. Today the Interim Application No. 3065 of 2025 only is listed for consideration. With the consent of learned counsel for the appellant, the appeal is also taken up for hearing on admission.

COMFA/11/2025:

2. This appeal under Section 13 (1-A) of the Commercial Courts Act, 2015 has been filed against an order dated 12th December, 2024 by which the plaint filed by the appellant for recovery of Rs.5,28,595/- (Rupees Five Lakh Twenty-Eight Thousand Five Hundred Ninety-Five only) has been rejected under Order VII Rule 11 of the Civil Procedure Code, 1908.

3. Appeal is heard on the question of admission.

4. Issue notice to the respondent.

IA/3065/2025:

5. Heard on Interim Application No.3065 of 2025.

6. Learned counsel for the appellant submits that the respondent has admitted part of the liability and, therefore, the trial court had directed him to deposit an amount of Rs.3,00,000/- (Rupees Three Lakh only). It is further submitted that the trial court, however, on rejection of the plaint, has permitted the respondent to withdraw the aforesaid amount of Rs.3,00,000/- (Rupees Three Lakh only) and, therefore, the order permitting the respondent to withdraw the said amount be stayed.

7. We have considered the submissions made by the learned counsel for the appellant.

8. The appellant had filed the suit for recovery of Rs.5,28,595/- (Rupees Five Lakh Twenty-Eight Thousand Five Hundred Ninety-Five only). The trial court had granted leave to defend the suit subject to payment of Rs.3,00,000/- (Rupees Three Lakh only). In compliance of the order passed by the trial court, the respondent had deposited the aforesaid amount. Since the plaint filed by the appellant itself has been rejected, the question of restraining the respondent from withdrawing the aforesaid amount does not arise as the proceeding itself has come to an end. Therefore, we do not find any merit in the Interim Application. The same is rejected.

PRAVIN
DASHARATH
PANDIT

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PRAVIN DASHARATH
PANDIT
Date: 2025.03.07
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(BHARATI DANGRE, J.)

(CHIEF JUSTICE)