

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.7841 OF 2025
IN
WRIT PETITION NO.15886 OF 2023

Tribhuvan Ramprit Singh

...Applicant/
Petitioner

Versus

Asmita Mogra CHS Ltd. & Ors.

...Respondents

Mr. Anand Mishra, for the Applicant/Petitioner.
Mr. Kunal R. Vora, for the Respondent Nos.1 and 2.

CORAM: MADHAV J. JAMDAR, J.
DATED : 30th APRIL 2025

P. C.:

1. Heard Mr. Anand Mishra, learned Counsel appearing for the Applicant/Petitioner and Mr. Kunal Vora, learned Counsel appearing for the Respondent Nos.1 and 2.

2. At the outset, Mr. Anand Mishra, learned Counsel appearing for the Applicant/Petitioner makes a statement that the Respondent Nos.3 and 4, who have been impleaded in the Writ Petition are neither necessary parties nor proper parties. He therefore, seeks leave to delete the names of Respondent Nos.3

and 4 as parties in the Writ Petition as well as in the Interim Application. Accordingly, leave as prayed is granted. Amendment be carried out forthwith. Re-verification is dispensed with.

3. Mr. Anand Mishra, learned Counsel appearing for the Applicant/Petitioner states that by the order dated 4th February 2025 an amount of Rs.10,00,000/- was directed to be deposited in the learned Trial Court and some installments were granted. He states that first two installments were deposited within time. He states that the last installment of Rs.6,00,000/- is to be paid on or before 30th April 2025. He states that Rs.1,00,000/- is already deposited before the learned Trial Court and for payment of balance amount of Rs.5,00,000/-, further period is required. On the instructions of the Petitioner, who is personally present in Court, he states that balance amount of Rs.5,00,000/- will be deposited before the learned Small Causes Court, Mumbai on or before 5th June 2025. The said statement made by the learned Counsel appearing for the Applicant/Petitioner, on the instructions of the Applicant/Petitioner, is accepted as undertaking given to this Court. Accordingly, time to deposit balance amount of Rs.5,00,000/- is extended till 5th June 2025.

4. The Respondent No.1-Society is allowed to withdraw the said amount of Rs.5,00,000/- already deposited by the Applicant/Petitioner before the learned Trial Court and further amount of Rs.5,00,000/-, to be deposited by the Applicant/Petitioner before the learned Trial Court.

5. It is further clarified that no further extension will be granted and if the Applicant/Petitioner fails to deposit balance amount of Rs.5,00,000/- before the learned Small Causes Court, Mumbai on or before 5th June 2025, the stay granted by this Court to the eviction decree shall stands vacated forthwith and in that event, the Respondent Nos.1 and 2 are at liberty to execute the eviction decree.

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

[MADHAV J. JAMDAR, J.]

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