

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.8035 OF 2025

IN

WRIT PETITION NO.18479 OF 2024

Snehalata Devi Ghorpade

(Deleted As Died) & Ors.

...Applicants

IN THE MATTER BETWEEN:

Snehalata Devi Ghorpade

(Deleted As Died) & Ors.

...Petitioners

Versus

Needle Roller Bearing Co. Ltd. & Ors.

...Respondents

Mr. J. K. Shah a/w Namrata Thakur a/w Pooja Shah i/b RJ Law, for the Applicants/Petitioners.

Ms. Asha M. Bhambwani, for the Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 5th MAY 2025

P.C.:

1. Heard Mr. Shah, learned Counsel appearing for the Applicants/Petitioners and Ms. Bhambwani, learned Counsel appearing for the Respondent No.2.

2. By the present Interim Application the Applicant is seeking following relief:-

“a. That this Hon'ble Court to direct the Registrar of Hon'ble Small Causes Court at Bombay to forthwith accept the 5 Demand Drafts dated 09.04.2025, 25.04.2025, 28.04.2025 & 29.04.2025, drawn in favour of The Registrar Court of Small Causes Court, Mumbai, each issued for an amount of Rs. 12,50,000/-, Rs. 12,50,000/-, Rs. 17,50,000/-, Rs. 19,50,000 and Rs. 8,479.64/- respectively (total Rs. 65,08,479.64/-);”

3. This Court on 1st April 2025 passed following order:-

“1. A learned Single Judge, by Order dated 12th December 2024, disposed of Writ Petition No.18479 of 2024 by directing that Petitioners/Defendants shall pay interim compensation of Rs.5,00,000/-from 28th February 2024 onwards. The arrears for the period of 28th February 2024 to 31st March 2024 were directed to be paid on or before 31st March 2025. The relief sought in the Interim Application is to extend the said period up to 30th April 2025.

2. Mr. J. K. Shah, learned Counsel appearing for the Applicants/Petitioners states that due to some difficulties the said amount could not be paid.

3. Ms. Bhambwani, learned Counsel appearing for the Respondent strongly opposes the Interim Application.

4. However, in the interest of justice and kindness the period fixed by the learned Single Judge by Order dated 12th December 2024 in Writ Petition No.18479 of 2024 is extended till 16th April 2025 as a last chance.

5. It is clarified that except said modification there is no other modification in the Order dated 12th December 2024 passed by the learned Single Judge.

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

4. Thus, this Court extended the period till 16th April 2025 as a last chance by said order dated 1st April 2025. On 16th April 2025 the Applicant has moved another Interim Application No.7350 of 2025 seeking further extension. However, the said Interim Application was dismissed by order dated 16th April 2025. The said order reads as under :-

“1. Heard Mr. Shah, learned Counsel appearing for

the Applicants / Petitioners and Ms. Bhambwani, learned Counsel appearing for the Respondents.

2. By an order dated 12th December 2024, passed by a learned Single Judge in Writ Petition No.18479 of 2024, order dated 16th October 2024, passed by the Appellate Bench of the Small Causes Court, Mumbai was modified to the limited extent of reduction of quantum of interim compensation from Rs.8,00,000/- per month to Rs.5,00,000/- per month. By said order dated 12th December 2024, the Petitioners / Defendants were directed to clear arrears of interim compensation from 28th February 2024 up to 31st March 2025, on or before 31st March 2025.

3. As some time was required by the Applicants for deposit of said amount, Interim Application No.6822 of 2025 has been filed seeking extension of said period up to 30th April 2025. By Order dated 1st April 2025, passed by this Court the said time granted by the learned Single Judge up to 31st March 2025, is extended till 16th April 2025, as a last chance.

4. It is required to be noted that the suit premises are huge premise of 3527 sq. ft. at Pedder Road, Mumbai which is very prime locality of Mumbai. In fact the learned Appellate Court of Small Causes Court, Mumbai has fixed the compensation of Rs.8,00,000/- per month as per the Order dated 16th October 2024, which amount was reduced to Rs.5,00,000/- per month by the learned Single Judge by the Order dated 12th December 2024, with further direction to pay the arrears from 28th February 2024 up to 31st March 2025, on or before 31st March 2025. It is very clear that, the Applicants were aware from October 2024, that the Applicants have to pay the said amount. Thus, the Applicants could have paid the said arrears within the time limit as granted by a learned Single Judge by Order dated 12th December 2024. By Order dated 1st April 2025, the said time was extended till 16th April 2025, as a last chance.

5. It is also required to be noted that in the Interim Application No.6822 of 2025 relief was sought to extend the said period up to 30th April 2025 and this Court has granted time till 16th April 2025, as a last chance. In the present Interim Application No.7350 of 2025 prayer is made that Rs.25,00,000/- will be deposited immediately and for balance amount of Rs.42,09,131/- time is sought till 16th May 2025 i.e. the time sought is even more than what is sought in earlier Interim Application No.6822 of 2025. Thus, it is clear that the Application filed is not bonafide Application.

6. Accordingly, the Interim Application is dismissed.”

5. Mr. Shah, learned Counsel appearing for the Applicants/Petitioners states that balance amount to be deposited is Rs.65,08,479.64/- and the Applicant had made an arrangement for the said amount and can immediately deposit said amount by way of 5 Demand Drafts as per the details set out in the Interim Application and the same can be deposited before the Registry of Small Causes Court, Mumbai.

6. Although, Ms. Bhambwani, learned Counsel initially opposed the Interim Application, however, as the Demand Drafts of said amount of Rs.65,08,479.64/- are ready and as this Court expressed inclination to allow the relief sought, on instructions, submitted that exemplary cost be imposed on the Applicant.

7. Accordingly, the Interim Application is allowed in terms of prayer clause (a), on the condition that Applicant pays cost of Rs.1,00,000/- to

the Respondent No.2 - Needle Roller Bearing Co. Ltd. within a period of 15 days from today. The Applicant to deposit said Demand Drafts before the Small Causes Court, Mumbai within a period of one week from today.

8. Accordingly, the Interim Application is disposed of in above terms.

[MADHAV J. JAMDAR, J.]

Note: This order is corrected as per order dated 9th May 2025.