

Arjun

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

**CIVIL REVISION APPLICATION (STAMP) NO.37501 OF 2025**

Shantilal Dahrsi Gala

...Applicant

*Versus*

Vasanji Kuverji Chheda,

...Respondents

(Since deceased now deleted)

Through C.A. Lalit Vasanji Chheda & Ors.

**WITH**

**INTERIM APPLICATION NO.13688 OF 2025**

**IN**

**CIVIL REVISION APPLICATION (STAMP) NO.37501 OF 2025**

Shantilal Dahrsi Gala

...Applicant

*Versus*

Vasanji Kuverji Chheda,

...Respondents

(Since deceased now deleted)

Through C.A. Lalit Vasanji Chheda & Ors.

**WITH**

**INTERIM APPLICATION (STAMP) NO.37502 OF 2025**

**IN**

**CIVIL REVISION APPLICATION (STAMP) NO.37501 OF 2025**

Shantilal Dahrsi Gala

...Applicant

*Versus*

Vasanji Kuverji Chheda,

...Respondents

(Since deceased now deleted)

Through C.A. Lalit Vasanji Chheda & Ors.

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Mr. Samir Sarambalkar, for the Applicant.

Mr. Omprakash Pandey a/w Suchita Pandey, for Respondent Nos.1(a) to 1(c).

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CORAM: MADHAV J. JAMDAR, J.  
DATED: 02 DECEMBER 2025

P.C.:

1. Heard Mr. Sarambalkar, learned Counsel appearing for the Applicant and Mr. Pandey, learned Counsel appearing for Respondent Nos.1(a) to 1(c).
2. The challenge in this Civil Revision Application is to the Order dated 18th December 2021 passed by the learned Appellate Bench, Small Causes Court (Bandra Branch), Mumbai, in Appeal No.28 of 2017 in R.A.E. Suit No.133 of 2006, by which the Appeal was dismissed for want of prosecution under Order XLI Rule 17 of the *Code of Civil Procedure, 1908*.
3. Both the learned Counsel, on instructions, state that the impugned Order be set aside by consent of the parties. Mr. Pandey, learned Counsel submits that however, very heavy cost be imposed as the Respondent has suffered loss and order dated 18th December 2021 has been challenged after considerable delay.
4. The Applicant is personally present in Court and has given consent for passing this order. The Respondent No.1(c) is also present in Court. He submits that he has given consent for passing this order and consent is also given by Respondent Nos.1(a) and 1(b).
5. Accordingly, following Order is passed by consent of the parties :-

ORDER

**i.** Interim Application No.13688 of 2025 taken out for condonation of delay in filing the Civil Revision Application is allowed by consent of the parties.

**ii.** The impugned Order dated 18th December 2021 passed by the learned Appellate Bench, Small Causes Court (Bandra Branch), Mumbai, in Appeal No.28 of 2017 in R.A.E. Suit No.133 of 2006, is quashed and set aside. Resultantly, the said Appeal No.28 of 2017 is restored to the file of the learned Appellate Bench of the Small Causes Court at Mumbai, subject to the Applicant - Shantilal Dahrsi Gala, depositing an amount of Rs.2,50,000/- before the learned Appellate Court, as cost, within a period of 15 days from today. It is specifically made clear that in case the Applicant fails to deposit said amount of Rs.2,50,000/- as cost within 15 days i.e. on or before 16th December 2025, then in that case, the impugned order dated 18<sup>th</sup> December 2021 stands confirmed.

**iii.** The Respondent Nos.1(a) to 1(c) are at liberty to withdraw the said amount.

**iv.** The Applicant states that he will deposit an amount of Rs.15,000/- per month on or before the 10th day of each month in the Small Causes Court till the disposal of the Appeal No.28 of 2017. The Applicant submits that first such payment will be made on or before 10th December 2025. All these statements made by

the Applicant - Shantilal Dahrsi Gala, are accepted as undertakings given to this Court.

v. In case the cost of Rs.2,50,000/- is deposited by the Applicant on or before 16th December 2025, then in that case both the parties to appear before the concerned Appellate Court of the Small Causes on 12th January 2026 for deciding the schedule of hearing of the Appeal.

6. As the Appeal is of the year 2017, the learned Appellate Court is requested to hear the Appeal, expeditiously.

7. The Civil Revision Application is disposed of in above terms.

8. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

9. In view of disposal of the Civil Revision Application, nothing survives in the Interim Application (Stamp) No.37502 of 2025 and the same is also disposed of.

**[MADHAV J. JAMDAR, J.]**