Kavita S.J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 3492 OF 2024
IN
WRIT PETITION NO.2260 OF 1998 (DISPOSED OF)

State Bank of India ...**Applicant/ Org. Petitioner**

Versus

Mumbai Port Trust & Ors., ...**Respondents**

Mr. Saurabh Gupta i/b Mr. Ajinkya Kurdukar for Applicant/Original Petitioner.

Mr. Sudheendra Rao i/b Ms. Gauri Rao for Respondent No.1.

Mr. Jitendra B. Mishra a/w Mr. Ashutosh Mishra and Mr. Rupesh Dubey for Respondent Nos. 2 & 3.

CORAM : R.I. CHAGLA, J.
FARHAN P. DUBASH, J.

DATED : 14th OCTOBER, 2025.

ORDER :

1. By this Interim Application, the Applicant/Original Petitioner has sought direction to the Prothonotary and Senior Master of this Court to release or credit sum of deposited amount of of Rs.17,00,000/- alongwith the interest accrued till date, aggregating

to approximately Rs.86,91,275/- matured as on April 18, 2024 in FD A/c No.10170394482, as reflecting in the ledger statement provided by the concerned department of this Court, subject to such terms and conditions, as this Court considers fit and appropriate.

2. The Applicant who was the original Petitioner in Writ Petition No.2260 of 1998 has pursuant to the Order dated 1st December, 1998 deposited a sum of Rs.17 Lakh with Prothonotary and Senior Master of this Court. This was one of the conditions for admission of the Petition and for interim relief restraining the Respondent Nos. 1, 2, 3, 5 and 6 therein from any manner, acting pursuant to the auction sale. Further, in view of the subject property having been handed over to Respondent Nos. 5 and 6, the Respondent Nos. 5 and 6 were restrained from parting with possession thereof and or creating any third party interest in respect of the same.

3. By further Order dated 16th July 2004, the Petitioner was allowed to withdraw the Petition, subject to amount of Rs.17 Lakh which had been deposited alongwith the interest remaining with the Petitioner in their account for a period of twelve weeks from the date

of said order. Liberty had been granted to Respondent Nos. 1 to 3 as well as Respondent Nos. 5 and 6, if in law they are so entitled, to take out appropriate proceedings including by way of Suit for recovery of demurrages / damages before competent Court or Authority. The parties were also granted liberty to take out proceedings to apply for interim reliefs in respect of the said amount of Rs. 17 Lakh alongwith the accrued interest and it was open before the Court to pass appropriate orders. The Rule was accordingly dismissed as withdrawn.

4. The Respondent No.1 – Mumbai Port Trust had filed Appeal from the said Order dated 16th July, 2004 before the Supreme Court and by the Order dated 3rd November, 2015, the said Appeal was dismissed. The learned Counsel for the Respondent – State Bank of India therein had fairly submitted that the Bank will not initiate any action for a period of four weeks in respect of the money lying with the Appellant – Mumbai Port Trust.

5. The present Interim Application has been taken out in view of the said deposit of Rs.17 Lakh alongwith interest lying with the Prothonotary & Senior Master of this Court and no appropriate

proceedings had been instituted by the Respondent Nos. 1 to 3 and Respondent Nos. 5 & 6 for recovery of demurrages / damages before competent Court or Authority. Further, their not having applied in respect of the said deposit of Rs. 17 Lakh alongwith the accrued interest.

6. The Applicant being the original Petitioner upon withdrawal of the Writ Petition is entitled to release of the deposited amount of Rs.17 Lakh alongwith the accrued interest, particularly in view of the order dated 16th July, 2004 passed by this Court dismissing the Writ Petition as withdrawn.

7. The Respondent Nos. 1 to 3 as well as Respondent Nos. 5 & 6 were given liberty to take out appropriate proceeding which they failed to avail of. Accordingly, we find merit in the present Interim Application and we consider it appropriate to allow the Interim Application.

8. Hence, the following order:

(i) The Prothonotary and Senior Master of this Court is directed to release the deposited amount of Rs.17 Lakh alongwith accrued interest till date as reflecting in the Ledger Statement provided by the concerned Department of this Court to the Petitioner within a period of three weeks from today.

(ii) The Interim Application is accordingly disposed of.

[FARHAN P. DUBASH, J.] **[R.I. CHAGLA, J.]**