



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.514 OF 2025

(Vijay s/o Shankarrao Talewar, Prop. M/s. Sai Anand Bhandar, Sitabuldi, Nagpur Vs.
Prafull s/o Sadashiv Buty (HUF), thr. its Karta Shri Shrikrishna s/o Prafull Buty)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. S. S. Shingane, Advocate for Petitioner.
Mr. R. M. Sharma, Advocate for Respondent.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATE: 25th JULY, 2025.

1. Heard learned counsel for petitioner as well as respondent for some time.
2. The challenge in this petition is to the order dated 22.11.2024 passed by the Small Causes Court on an application under Order 15-A read with Section 151 of the Code of Civil Procedure by which the defence of the respondent i.e. petitioner herein is struck off. Advocate Mr. Shingane, the counsel for petitioner/licensee seeks time to take instructions about clearing the entire arrears of the licence fees including 5% increase as per the terms of the registered document of leave and licence.
3. Advocate Mr. Sharma, learned counsel for respondent strongly opposes this request and points out from several orders passed by the learned trial Court as well as this Court that there is repeated non-compliance with the orders passed by the Court and the undertaking given by the

respondent. Advocate Mr. Sharma invites attention of the Court to the document of leave and licence and also order dated 31.03.2023 passed by the learned trial Court on an application under Order 15-A of the CPC thereby directing the petitioner to pay the arrears of licence fees within the stipulated time. He also invites the attention to order dated 22.07.2024 passed by this Court in Writ Petition No.2511/2024 and submits that the petitioner has repeatedly failed to comply with the directions and undertaking about clearance of arrears.

4. Advocate Mr. Sharma points out that by a pursis dated 19.06.2025 the details of arrears are placed on record, which demonstrates that till 30.06.2025 the petitioner is in arrears of Rs.5,15,630/- and even if the amount of Rs.2,94,000/- paid by the petitioner is deducted, still the petitioner is in arrears of more than Rs.2,00,000/- as on today. He, therefore, submits that apart from the conduct of the petitioner in repeated non-compliance with the orders, the order dated 31.03.2023 on application at Exh.49 is not challenged and it has attained finality. Even as regards the impugned order he submits that the learned trial Court has taken into consideration the conduct of the petitioner and the impugned order is passed accordingly. On all these counts he strongly opposes the petition. He also relies on various case laws in support of his submission.

5. Since the counsel for petitioner has requested for time to take instructions about depositing the entire amount of arrears before making submissions on merits, I am of the

opinion that one opportunity needs to be granted to the petitioner by way of one week time to take instructions and make a clear statement. The petitioner is at liberty to deposit the amount of arrears on or before next date.

6. Learned counsel for petitioner states that the pursis does not mention the correct amount of arrears and in this regard learned counsel for respondent is ready to convey to the petitioner's counsel the amount of arrears payable till the month of July, 2025 within two days.

7. Put up the matter for further consideration on 01.08.2025.

8. The parties to take note that the matter may be taken up for hearing at the stage of admission.

(PRAFULLA S. KHUBALKAR, J.)