

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6016 OF 2025

WITH

INTERIM APPLICATION (ST.) NO. 32123 OF 2025

ALONGWITH

WRIT PETITION NO. 6033 OF 2025

WITH

INTERIM APPLICATION (ST.) NO. 32071 OF 2025

Vilfred D'souza

.....PETITIONER

: Versus :

Gool Rusi Vatcha & Anr.

...RESPONDENTS

Mr. Aseem Naphade with Mr. Ajay Dubey and Ms. Yogita Kanojiya, for the Petitioner.

Mr. Nirman Sharma with Mr. Deeshank Doshi and Ms. Uma Sharma i/b. Dharam & Co., for Respondent No.1.

CORAM : SANDEEP V. MARNE, J.

DATED : 9 APRIL 2026.

P.C :

1) Mr. Naphade, the learned counsel appearing for the Petitioner submits that the Petitioner has already filed Appeal against orders dated 15 March 2025 before the Appellate Bench of the Small Causes Court. He submits that since Appeals are dismissed for non-prosecution, applications are taken out

for restoration of the Appeals. The impugned orders are passed on 15 March 2025 and the present petition contains averment in para-4(i) about filing of Appeal, as well as, MARZI Application for condonation of delay. The present petitions are thus gross abuse of process of law. If Appeals were already filed, the Petitioner could not have simultaneously filed the present petitions. This Court is therefore not inclined to entertain the present petitions. The Writ Petitions are accordingly dismissed. The Interim Applications also stand disposed of.

2) Interim protection is vacated. Petitioners would be at liberty to prosecute alternate remedies initiated by them which shall be decided on their own merits.

3) The Registry shall permit Respondent No.1 to withdraw the amounts deposited in the Court of Small Causes.

[SANDEEP V. MARNE, J.]

Note : Corrections are carried out in para-3 of the order only pursuant to speaking to minutes order dated 16 April 2026. The rest of the order remains undisturbed.

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