



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.13594 of 2025

IN

FIRST APPEAL NO.1197 OF 2017

Manisha Chemicals & Ors.

...Applicants/Appellants

Versus

JSW Steel Limited, (Formerly known

as M/s. Jindal Iron & Steel Co. Ltd.)

...Respondent

Mr. Amit A. Gharte for the Applicants/Appellants.

Mr. Sunil Gangan a/w Mr. Swapnil Shikhare & Mr. Manav Chetwani
i/by RMG Law Associates for the Respondent.

CORAM : JITENDRA JAIN, J.

DATE : 17 JANUARY 2026

P.C.:

1. This interim application is taken out for restoration of an appeal which came to be dismissed by a self-operative order dated 4 October 2017. There is a delay in filing the present application which as per the interim application is 195 days.

2. The appeal was filed against an order of the Trial Court directing the appellant-applicant to pay Rs.30 lakhs.

3. On 4 October 2017, this Court passed following order :-

“The applicants are directed to deposit Rs.15 lakhs on or before 24.10.2017 and thereafter, the second installment of Rs.15 lakhs is to be deposited on or before 07.11.2017. If the applicants failed to deposit the said amount on or before the scheduled dates given by this Court, then this appeal will be dismissed without referring to the Court”.

4. The operation of the impugned order of Trial Court was stayed till 8 November 2017, by which the appellants-applicants were to deposit Rs.30 lakhs in two installments. The order dated 4 October 2017 further states that if the payment is not made before 7 November 2017, then the appeal will be dismissed without reference to the Court.

5. In view of the above order and in view of the fact that the amount has not been deposited on or before 7 November 2017, the appeal by self operative order stood dismissed on 8 November 2017.

6. Therefore, the delay of 195 days calculated by the applicants-appellants by relying on 8 May 2025 order is incorrect. The delay is from 8 December 2017 till 19 September 2025, which is of more than 7 years. There is no reason given for such a delay. Therefore, the interim application is dismissed on this ground itself.

7. In any case, the order 4 October 2017 directed the appellants to deposit Rs.30 lakhs. Nothing has been shown to me that this order has been modified or challenged in accordance with law. Therefore, the said order continues and holds field till today. Therefore, even on this ground, the appeal cannot be restored unless order of 4 October 2017 is varied in accordance with law.

8. The learned counsel for the applicants-appellants relied upon the decision in the case of *Kayamuddin Shamsuddin Khan vs. State Bank of India*¹. In the facts before the Hon'ble Supreme Court, the appellants therein had challenged the order passed by the High Court, whereby the Court had passed an order stating that if the appellants fail to deposit Rs.75,000/- within two weeks, the appeal shall stand

¹ (1198) 8 SCC 676

dismissed without reference to Court. It was this order which was before the Hon'ble Supreme Court and the Hon'ble Supreme Court observed that such an order could not have been passed. In the instant case before me, nothing has been shown that the self operative order of 4 October 2017 has been challenged before the higher forum. Till the order of 4 October 2017 is in force, the present judgment relied upon by the learned counsel for the applicants is not applicable and this Court cannot give away relief.

9. For all the above reasons, interim application is dismissed.

[JITENDRA JAIN, J.]