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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4009 OF 2026

Mohammad Shamim Mohmood Ahmed ... Petitioner
vs.
Pralhad Sampat Salve and anr. ...Respondents

Mr. Jayendra Khairnar (thr. V.C.) a/w Aleema Bohra for the
Petitioner.

CORAM : N. J. JAMADAR, J.

DATED : 30 March 2026

P. C. :

1. Heard the learned counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 10th December, 2025, passed by the Appellate Court whereby the Application preferred by the Petitioner / Appellant in Regular Civil Appeal No.89 of 2024, to deposit an amount of Rs.8,00,000/- in accordance with the terms of deeds (Exhs.36 and 37), after deducting maintenance and expenses incurred in respect of the suit property, came to be rejected.
3. The Petitioner had instituted a Suit for specific performance of the contract contained in the aforesaid documents. By the Judgment and Decree dated 29th June, 2024, the said Suit came to be dismissed with costs and the counter-claim filed by the

Defendants came to be allowed. The said Decree is impugned in Regular Civil Appeal No.89 of 2024.

4. In these circumstances, at this stage, the District Court is wholly justified in rejecting the Application preferred by the Petitioner seeking permission to deposit the amount. In the event, the Petitioner succeeds in the Appeal and the Suit for specific performance of the contract is decreed, the Appellate Court will be required to pass consequential orders.

6. Thus, at this stage, no interference is warranted with the impugned order.

7. Petition thus stands dismissed. However, all contentions of all the parties are kept open to be agitated in the Appeal.

[N. J. JAMADAR, J.]