



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5511 OF 2026

Jasani Realty Pvt. Ltd.

....Petitioner

V/S

Jolly Maker I Premises Co-op. Society Ltd.

....Respondent

Mr. Prasad Dani, Senior Advocate with Mr. Amit Pradhan and Ms. Ujwala Deshmukh *for the Petitioner.*

Ms. Janani Swaminathan *for Respondent.*

CORAM : SANDEEP V. MARNE, J.

DATE : 29 APRIL 2026.

P.C.:

1. The Petition challenges order dated 23 March 2026 passed by the Appellate Bench of Small Causes Court by which MARJI No.65 of 2026 filed in Revision Application No.313 of 2025 is rejected.
2. I have heard Mr. Dani, the learned Senior Advocate appearing for the Petitioner and Ms. Swaminathan, the learned counsel appearing for the Respondent.
3. By order dated 24 June 2025 the Trial Court had directed to deposit an amount of Rs.2,14,66,084/- on or before the next date.
4. Petitioner filed Application before Trial Court seeking modification of the order dated 24 June 2025 which was rejected by the Trial Court by order dated 10 October 2025.

5. Aggrieved by the order dated 10 October 2025 Petitioner filed Revision Application No.313 of 2025 by which the order dated 10 October 2025 was set aside and facility of deposit of amount of Rs.2,14,66,084/- in four installments of Rs.53,66,521/- per week was granted.

6. There is no dispute to the position that the first three installments payable on 27 February 2026, 6 March 2026, 13 March 2026 are deposited by the Petitioner within time. Only in respect of last installment payable on 20 March 2026, extension of time was sought on the ground of financial year ending.

7. However, by order dated 23 March 2026 the Appellate Bench has refused to extend the time in respect of the fourth installment of the deposit.

8. Mr. Dani submits that the Petitioner had infact prepared a Demand Draft of depositable amount on 9 April 2026. Considering the position that the Petitioner is ready with the amount of deposit vide Demand Draft dated 9 April 2026, an opportunity deserves to be granted to the Petitioner to defend the suit on merits. As a result of order dated 23 March 2026, the Plaintiff would seek an order of striking of defence of the Petitioner/Defendant. In that view of the matter, an opportunity needs to be granted to the Petitioner to deposit the fourth installment by imposing appropriate costs.

9. The Petition accordingly succeeds. Order dated 23 March 2026 is set aside. Petitioner shall deposit the fourth installment of Rs.53,66,521/- before the Small Causes Court within one week.

10. Petitioner shall pay to the Respondent/Plaintiff costs of Rs.1,00,000/- within a period of two weeks.

11. Writ Petition is **allowed** in above terms. There shall be no order as to costs.

(SANDEEP V. MARNE, J.)