

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 460 OF 2001

Vijay Oil Trading Company and Ors. .. Appellants

V/s.

Tushar M. Shah and Anr. .. Respondents

**WITH
INTERIM APPLICATION NO. 1205 OF 2026
IN
FIRST APPEAL NO. 460 OF 2001**

Mr. Vijay M. Vaghela for Appellants.

Mr. K. T. Kukreja a/w Adv. Chandni Sabnani for Respondents.

CORAM : FARHAN P. DUBASH, J.

DATE : 9th MARCH 2026

P.C.:

1. Mr. Vijay M. Vaghela, learned Counsel who appears on behalf of the Appellants and Mr. K. T. Kukreja, learned Counsel who appears on behalf of the Respondents, state that the parties have settled the matter. Mr. Vaghela, further states that his client is bedridden and cannot come to Court and accordingly, both parties seeks an order from this Court in terms of the said settlement that is arrived at between the respective parties.

2. Pursuant to the last order dated 9th February 2026, the Registry has filed a Report dated 13th February 2026.

3. A perusal of this Report reveals that, on 31st March 2011, the

original sum of Rs. 48,550/- + accrued interest aggregating Rs. 95,131.95 appears to have been credited with the Government under the head “Lapsed Deposits”. This amount was so credited to the Government since the Registry was stated to have been informed by the Department that the matter was “Disposed 30/07/2001”. Pursuant to the said order, the Registry has explained the manner in which this credit was effected. They have also identified the names of the concerned persons at the relevant time and submit that this transfer has not happened on account of any deliberate lapse and mala fide action on their part. The said Report is taken on record and its contents are noted. After submissions were made on the same by both parties, the following order is passed.

ORDER

- (i) Registrar – Judicial (I) shall forthwith make an appropriate application to the concerned Treasury/Finance Department of the Government seeking re-credit of the lapsed deposit.
- (ii) In such application, the Registrar shall also seek interest on this amount which was credited to the Government as far back as on 31st March 2011.
- (iii) The Registrar shall diligently follow up with the concerned Department and ensure that the money is re-credited into the accounts of this High Court, on or before 15th April

2026. Immediately thereupon, the Registry shall intimate both Advocates in writing and thereafter shall permit them to withdraw the amount in accordance with the arrangement between them.

- (iv) Both parties who are present in Court today state that 100% of the amount shall be withdrawn by Respondent no. 1 – Nirmala M. Shah who shall thereafter pay over 25% thereof to Bharati Shantilal Dagha within 7 days of the said amount being received by her. Both parties confirm that this arrangement is in accordance with the settlement that has been arrived at between the parties.

INTERIM APPLICATION NO. 1205 OF 2026

4. By consent of parties, the present Interim Application is allowed in terms of the following order:

ORDER

- (i) The Registrar/Deputy Registrar (PLA Section, Accounts Department), City Civil and Sessions Court, Mumbai, shall forthwith refund the original amount of Rs. 12,500/- along with accrued interest presently lying invested in fixed deposits with the Bank of Maharashtra bearing Account no. 60162612332 and which amount, as on 3rd January 2026 is

stated to be Rs. 1,03,515/- or any other amount to Respondent no. 1 - Nirmala M. Shah who shall forthwith pay 25% of the monies that are received by her to Bharati Shantilal Dagha within a period of 7 days. Both parties confirm that this arrangement is in accordance with the settlement that has been arrived at between the parties.

(ii) The present Interim Application is disposed of in terms of the above order with no order as to costs.

5. Considering the aforesaid orders, both parties state that nothing survives in the First Appeal which is accordingly disposed of in terms of the above orders.

6. Refund of Court Fees, if any, as per rules.

(FARHAN P. DUBASH, J.)