

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 6018 OF 2025
IN
COMPANY PETITION NO. 666 OF 2015

Vama Apparel I Private Limited ...Applicant

In The Matter Between

Wadhawan Lifestyle and Retail Pvt Ltd ...Petitioner

Versus

Vama Apparel I Private Limited ...Respondent

Mr. Aniket Worlikar, for the Applicant/Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : February 10, 2026

ORDER :

1. This matter has been listed before this Court in view of the Bench having roster in the matter having recused.

2. Heard the Learned Advocate on behalf of the Applicant and with their assistance, perused the record. By an order dated February 14, 2017, a Company Petition No.666 of 2015 (winding up Petition) came to be admitted. Thereafter, on January 5, 2018, a Learned Single Judge of this Court recorded an agreement by the Applicant to deposit

with this Court, the claimed sum of Rs.4,10,813/- as set out in the particulars of the claim annexed to the winding up Petition.

3. The amount of deposit made pursuant to a payment instrument dated January 6, 2018 was recorded in an order dated January 22, 2018, after which, a public advertisement and inviting of objections was also effected. Thereafter, on February 14, 2018, a Learned Single Judge of this Court directed that the amount be retained for a period of four weeks, after which, the amount would be returned to the Respondent. Should the Original Petitioner in the winding up Petition commence any proceedings, the same was directed to inure to the benefit of such proceedings.

4. Thereafter, indeed Suit No.1500 of 2022 was filed by the Original Petitioner before the City Civil Court, Mumbai. It is seen from the record that the Suit was dismissed for want of prosecution on September 21, 2024.

5. Learned Advocate for the Applicant submits that no steps have been taken to revive the dismissed Suit, and therefore, the amount originally deposited way back in 2018 with accruals should now be released in favour of the Applicant. It is seen from a service affidavit dated September 26, 2025 that service has been effected on the Original

Petitioner; likewise, an email has been sent to the Advocates on record for the Original Petitioner in September 2024 .

6. Learned Advocate for the Petitioner submits that since issues were framed on November 2, 2023, the Original Petitioner had not pursued the Suit, which is how eventually in September 2024, the Suit came to be dismissed for want of prosecution.

7. Having considered the submissions made and the contentions in the Application, it is considered appropriate to direct the release of all amounts deposited in this Court along with all accruals thereon on the expiry of three weeks from the date of upload of this order on the website of the Court.

8. Learned Advocates for the Applicant shall serve a copy of this order on the Advocates of the Original Petitioner and should they desire to raise any objection, they may do so within the said period of three weeks, failing which, the amount shall be released on the expiry of three weeks from the date of upload of this order.

9. Service affidavit demonstrating service of this order on the Advocates for the Original Petitioner shall be filed with the Registry, which shall be examined before release of the amounts.

10. The Application is ***finally disposed of*** in the aforesaid terms. List for reporting compliance after four weeks from the upload of this Order on this Court's website.

11. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]