

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.6821 OF 2025  
IN  
APPEAL NO.112 OF 2010**

Europlast India Ltd. )... Applicant

In the matter of :

Europlast India Ltd. )... Appellant

**Versus**

Gorakhnath Electricals Pvt. Ltd & Ors. )... Respondents

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Mr. Pankaj Shah for the Applicant.

Mr. Arun Siwach a/w Ms. Priyanka Mitra and Ms. Vidhi Saxena i/b  
Cyril Amarchand Mangaldas for Respondent No.2.

Mr. Saurabh S. Oka for Respondent No.8.  
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**CORAM : SARANG V. KOTWAL &  
SANDESH D. PATIL, JJ.**

**DATE : 5<sup>th</sup> MARCH 2026**

**P.C.**

1) This is an Interim Application in Appeal No.112 of 2010, praying for direction to the Prothonotary and Senior Master of this Court to pay to the Applicant/Appellant an amount of Rs.4,28,92,150.52, lying in the office, deposited by Respondent No.2, pursuant to Consent Minutes, dated 28<sup>th</sup> August 2025 in Appeal No.112 of 2010.

2) We have heard Mr. Pankaj Shah for the Applicant, Mr. Arun Siwach, learned Counsel appearing for Respondent No.2 and Mr. Saurabh Oka, learned Counsel for Respondent No.8.

3) It must be noted that an Appeal No.112 of 2010, is already disposed of vide Order dated 28<sup>th</sup> August 2015.

4) This not for the first time that the Applicant has approached this Court with a similar relief. On the first occasion, he had taken out Notice of Motion No. 300 of 2018 in Appeal No.112 of 2010. A Division Bench of this Court *vide* Order dated 3<sup>rd</sup> September 2028, passed the following Order :-

*“This notice of motion is taken out by the appellant in a disposed of appeal, which is disposed of by consent of the parties. In fact, the consent minutes of the appeal were filed by the parties. The grant of relief in this notice of motion will amount to the modification of the consent order. The consent order cannot be modified without the consent of all the parties. The consent of all the parties is not placed on record. Therefore, the notice of motion is dismissed.”*

5) The Applicant again approached this Court vide Notice of Motion No.457 of 2019. This notice of motion was also preferred for the similar relief. Another Division Bench of this Court observed that a similar application was made and rejected on 3<sup>rd</sup> September 2018, by making a reference to the Order passed in the Notice of Motion No.300 of 2018. The Division Bench further observed that they saw no reason to take a different view. It was also observed that it made no difference that the Appellant/Applicant has given a public notice of its motion. It was also observed that the notice of motion itself was misconceived. By observing thus, it was dismissed.

6) After that again the Applicant had preferred Interim Application (L)1456 of 2024 in Appeal No.112 of 2010, for the similar relief. This time, the Division Bench, headed by the Hon'ble The Chief Justice, vide Order 6<sup>th</sup> February 2024, dismissed that notice of motion with the observation that the Application was a complete abuse of the process.

7) In spite of this history and repeated orders, the Applicant has again approached this Court for the similar relief. This time, the

learned Counsel for the Applicant submitted that there is a change in circumstance, because the money is lying with the Prothonotary and Senior Master of this Court for over ten years. All these factors were in existence, when the Order dated 6<sup>th</sup> February 2024, was passed by the Division, headed by the Hon'ble The Chief Justice. It may be noted that the Order dated 6<sup>th</sup> February 2024 is not challenged by the Applicant.

8) In this background, taking into account the consistent view taken by the Division Benches of this Court, we see no reason to take a different view. With the result, we are not inclined to entertain this Application and it is, accordingly, dismissed.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)