

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3482 OF 2026
IN
WRIT PETITION NO. 3774 OF 2025

Vrajesh Kantilal Patel *...Applicant*

V/s.

Brihan Mumbai Electric Supply and *...Respondent*
Transport Committee (BEST)

WRIT PETITION NO. 3774 OF 2025

Brihan Mumbai Electric Supply and *...Petitioner*
Transport Committee (BEST)

V/s.

Vrajesh Kantilal Patel and Ors. *...Respondent*

Mr. Jamsheed Master i/b Ms. Natasha Bhat for the Petitioner.

Mr. Shanay Shah with Mr. Harshad R. Vyas i/b Mr. Shreyas Patel for
Respondent in WP & Applicant in IA.

CORAM: SANDEEP V. MARNE, J.

DATED: 8 May 2026.

P.C.:

1) The Interim Application is filed for withdrawal of the
deposited amount of mesne profits with interest.

2) The Petitioner in the main Petition has suffered a decree dated 3 April 2021 directing payment of mesne profits of Rs.1,50,20,460/-. As a precondition for stay, 50% of decretal amount is deposited in the Small Causes Court and bank guarantee is given in respect of the balance 50% decretal amount. The Interim Application is filed seeking leave to withdraw the deposited amount which is required for the purpose of medical treatment of the Original Respondent No.2 who is suffering from cancer.

3) As the hearing of the Application progressed, Mr. Shah, the learned counsel appearing for the Applicant fairly restricts the prayer for withdrawal of the amount to Rs.25,00,000/-, which is needed for immediate medical treatment of the Original Respondent No.2 (Mahendra Kantilal Patel), who is repeatedly in a vegetative state and accordingly, the present application is filed on his behalf by his brother.

4) Considering the above position, in my view, an amount of Rs.25,00,000/- can be withdrawn for the purpose of medical treatment of Original Respondent No.2. There is already an undertaking given in para-7 of the Interim Application, which is as under :

7. The Applicant and Original Respondent No.2 undertake to repay the monies withdrawn with interest as provided in the order dated 3 April 2021 if the Writ Petition is allowed and the dated 20th January 2025 passed in P. Appeal No. 117 of 2021 and 3rd April 2021 passed in TE. Suit No. 138/ 170 of 2008 is set aside and/or modified to any extent.

5) Accordingly, Applicant is permitted to withdraw on behalf of Original Respondent No.2 (Mahendra Kantilal Patel) an amount of

Rs.25,00,000/- from the amount deposited in the Small Causes Court subject to bringing back the withdrawn amount in the event the Writ Petition being allowed. The Interim Application is accordingly **disposed of**. Liberty to apply for withdrawal of the additional amount if need arises in future.

6) List the Writ Petition on **24 June 2026**.

NEETA
SHAILESH
SAWANT

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[SANDEEP V. MARNE, J.]