

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST) NO. 13760/2026

IN

WRIT PETITION NO. 10900/2011

**BABULAL HIRALAL DHOKA
SINCE DECEASED THR. LEGAL HEIRS
NILESH BABULAL DHOKA & ORS.**

..... APPLICANTS

VS

**CHANDRAKANT TUKARAM KALEBERE
SINCE DECEASED THR. LEGAL HEIRS
KISHOR CHANDRAKANT KALEBERE & ORS.**

..... RESPONDENTS

Adv. Nitin S. Dhumal for the Applicants/Petitioners.

Adv. Pooja Sursure i/b. Adv. Rajendra Kalebere for the Respondent No.1.

CORAM : RAJESH S. PATIL, J.

DATE : 8 MAY, 2026

P.C. :-

1) This interim application has been filed seeking permission to present a fresh cheque to the Nazir – Cash Department of this Hon'ble Court.

2) It is the case of the applicant that they had been to the Nazir Department for deposit of Rs.17,700/- by way of a cheque. However, the Registry did not accept the same as according to them,

there was a gap of one month.

3) Learned advocate appearing for the applicants submits that the applicants are now ready to deposit six months rent via cheque for an amount of Rs.35,400/-. He submits that there will be no loss to the respondent if such a payment is accepted by the Registry, without prejudice to the rights and contentions of both the parties. He submits that attempts were made to serve to the respondents by way of physical copy, but was refused by the other side. However, by e-mail, he has served the respondents. He has tendered affidavit of service dated 8 May, 2026.

4) In view of the statement made by the learned advocate appearing for the applicants, issue notice to the respondent nos. 1(a) to 1(c), returnable on **16 June, 2026**.

5) In the meanwhile, without prejudice to the rights and contentions of both the parties, the applicants are permitted to deposit an amount of Rs.35,400/- with the Registry of this Court.

6) The Department to accept the said payment.

7) Parties to act on the authenticated copy of this order.

8) At this stage Ms. Sursure, learned advocate appeared in the present proceedings for the respondents. She has opposed the application made by the present applicants.

9) As I have permitted the applicant to deposit an amount of Rs.35,400/- without prejudice to the rights and contentions of both the parties, Registry to accept the same.

(RAJESH S. PATIL, J.)