

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15949 OF 2025**

Mahesh Shantilal Dharod & Ors.

...Petitioners

Vs.

Nittany Trading Pvt. Ltd.

...Respondent

Mr. Ankit Lohia (through VC) a/w Keerthi Kamath and Swarnangshu Shekhar i/by MZM Legal LLP for the Petitioners.

Mr. Onkar Gawade i/by Jaydeep Deo for the Respondent.

**CORAM : ADVAIT M. SETHNA, J.
DATE : 27th DECEMBER, 2025
[VACATION COURT]**

P.C.:-

1. The Petitioners have moved this Court on the ground of urgency as set out in the praecipe dated 27 December 2025. The Petitioners are Trustees of a charitable trust running orchids-international schools under 2019 leave and license agreement. They were unable to use the premises to generate revenue due to Covid-19 closures and restrictions on fee recovery. It is their case that despite this, they were directed by the Trial Court to deposit license fee from 2020 onwards which is the subject matter of disputes in the present proceedings.

2. The Revision Application No.67 of 2024 of the Petitioners was dismissed on 4 October 2025 by Small Causes Court, Mumbai, as the Petitioner would contend, without considering the force majeure

events, government directives coupled with the fact that they had handed over possession to the Respondent on 29 March 2024. An attachment order dated 3 November 2025 has been issued which, according to the Petitioners, threatens seizure of the school assets worth Rs.5.94 crores. This has led to a visit of the bailiff at the trustee's residence causing serious prejudice to the Petitioners as they would contend.

3. The parties have drawn the attention of the Court to the executing Court's order dated 24 December 2025 passed by the Small Causes Court at Mumbai in Execution Application No.483 of 2023, in Exhibit 10 in L.E.C. Suit No.30 of 2021. Such order is passed as a sequitur to the attachment order of the Small Causes Court dated 3 November 2025, in execution thereof. The operative part of the order reads thus:-

“:- O R D E R -:

- 1. Application Exh. 42 is allowed.*
- 2. Issue Attachment Warrant as per O. XXI R. 30 of C. P. C., in respect of the order passed below Exh.10 in L. E. Suit No. 30 of 2021 by breaking open the lock if the premises is found locked, on P F*
- 3. The Registrar of this Court is hereby directed to issue letter to the concerned police station to provide two police constables and one lady police constable to assist the Bailiff of this Court in executing the warrant of attachment issued by this Court, on payment of requisite charges by the plaintiff to the concerned*

police station.

4. The plaintiff is hereby directed to deposit necessary police bhatta/payment as per rules directly to the concerned police station.

5. Defendant Nos. 1 to 3 are prohibited from withdrawing any amount

from below mentioned banks' accounts.

<i>Sr. No.</i>	<i>Name of Bank</i>	<i>Account No.</i>
<i>1.</i>	<i>Axis Bank Sr No.1 to 19 Mandvi Branch, Mumbai</i>	<i>A/c.No.914010055654242</i>
<i>2.</i>	<i>Axis Bank</i>	<i>A/c.No.914010020246423</i>
<i>3.</i>	<i>Axis Bank</i>	<i>A/c.No. 914010020428900</i>
<i>4.</i>	<i>Axis Bank</i>	<i>A/c.No.919010005768671</i>
<i>5.</i>	<i>Axis Bank</i>	<i>A/c.No.919010004835004</i>
<i>6.</i>	<i>Axis Bank</i>	<i>A/c.No.919010035483036</i>
<i>7.</i>	<i>Axis Bank</i>	<i>A/c.No.919010055040570</i>
<i>8.</i>	<i>Axis Bank</i>	<i>A/c.No.919010052866261</i>
<i>9.</i>	<i>Axis Bank</i>	<i>A/c.No.919010046956602</i>
<i>10.</i>	<i>Axis Bank</i>	<i>A/c. No.920040054251635</i>
<i>11.</i>	<i>Axis Bank</i>	<i>A/c. No.920040054251693</i>
<i>12.</i>	<i>Axis Bank</i>	<i>A/c. No.920040054251787</i>
<i>13.</i>	<i>Axis Bank</i>	<i>A/c. No.920040054251910</i>
<i>14.</i>	<i>Axis Bank</i>	<i>A/c. No.920040054251952</i>
<i>15.</i>	<i>Axis Bank</i>	<i>A/c. No.920040054254029</i>
<i>16.</i>	<i>Axis Bank</i>	<i>A/c. No.920040054254100</i>
<i>17.</i>	<i>Axis Bank</i>	<i>A/c. No.920040054254126</i>
<i>18.</i>	<i>Axis Bank</i>	<i>A/c. No.920040054254171</i>
<i>19.</i>	<i>Axis Bank</i>	<i>A/c. No.920040054254223</i>
<i>20.</i>	<i>ICICI Bank</i>	<i>A/c. No.054401005603</i>

	<i>MIDC, Andheri (East), Mumbai Branch</i>	
21.	<i>ICICI Bank MIDC, Andheri (East), Mumbai Branch</i>	<i>A/c. No.054401005604</i>
22.	<i>Abhyudaya Co-Op. Bank</i>	<i>A/c. No.038011100004623</i>

6. Concerned banks are directed not to make any payment from the below mentioned bank accounts to anybody.

<i>Sr. No.</i>	<i>Name of Bank</i>	<i>Account No.</i>
1.	<i>Axis Bank Sr No.1 to 19 Mandvi Branch, Mumbai</i>	<i>A/c.No.914010055654242</i>
2.	<i>Axis Bank</i>	<i>A/c.No.914010020246423</i>
3.	<i>Axis Bank</i>	<i>A/c.No. 914010020428900</i>
4.	<i>Axis Bank</i>	<i>A/c.No.919010005768671</i>
5.	<i>Axis Bank</i>	<i>A/c.No.919010004835004</i>
6.	<i>Axis Bank</i>	<i>A/c.No.919010035483036</i>
7.	<i>Axis Bank</i>	<i>A/c.No.919010055040570</i>
8.	<i>Axis Bank</i>	<i>A/c.No.919010052866261</i>
9.	<i>Axis Bank</i>	<i>A/c.No.919010046956602</i>
10.	<i>Axis Bank</i>	<i>A/c. No.920040054251635</i>
11.	<i>Axis Bank</i>	<i>A/c. No.920040054251693</i>
12.	<i>Axis Bank</i>	<i>A/c. No.920040054251787</i>
13.	<i>Axis Bank</i>	<i>A/c. No.920040054251910</i>
14.	<i>Axis Bank</i>	<i>A/c. No.920040054251952</i>
15.	<i>Axis Bank</i>	<i>A/c. No.920040054254029</i>
16.	<i>Axis Bank</i>	<i>A/c. No.920040054254100</i>
17.	<i>Axis Bank</i>	<i>A/c. No.920040054254126</i>
18.	<i>Axis Bank</i>	<i>A/c. No.920040054254171</i>

19.	Axis Bank	A/c. No.920040054254223
20.	ICICI Bank MIDC, Andheri (East), Mumbai Branch	A/c. No.054401005603
21.	ICICI Bank MIDC, Andheri (East), Mumbai Branch	A/c. No.054401005604
22.	Abhyudaya Co-Op. Bank	A/c. No.038011100004623

7. Plaintiff is hereby directed to provide bank branch details in respect of abovesaid bank accounts for issuance of notice to the bank on or before 26.12.2025

8. Issue request letters to banks accordingly.

9. Bailiff Mr. Anil Dudhe is hereby appointed to execute process of warrant as per rule and report compliance in writing r/o. 23.01.2026.”

4. It is the Petitioners' contention that pursuant to the above, the banks accounts of the Petitioner-trust has been frozen and the baillifs and the police authorities have been directed to break open the lock of the trust premises/residential premises of the Petitioners, the nature of the premises is also disputed. It is in this background that the Petitioners have approached the vacation Court today.

5. I have heard Mr. Lohia, learned counsel for the Petitioners and Mr. Gawade, learned counsel for the Respondent for some time. I have perused the necessary record. My attention has been invited to orders

dated 2 December 2025 and 9 December 2025, passed by the learned Single Judge of this Court. It appears that in light of certain statements which were made before the Court, the nature of which this Court is not delving into at this stage, the proceedings were adjourned to 13 January 2026. It appears that the parties intimated to the Court with regard to a possibility of settlement. Be that as it may.

6. Today, after hearing the parties, the Petitioner has undertaken to deposit a sum of Rs.2.5 crores with the Registry of this Court on or before 12 January 2026. Such undertaking of the Petitioners is accepted. It is made clear that the Petitioners would abide by this undertaking and seek no modification and/or extension, in this regard, considering the given factual complexion. The Petitioners have agreed to this.

7. The Petitioners shall also file an Affidavit-cum-Undertaking to this Court stating the manner in which the Petitioners will secure the Respondent to the extent of the principal amount of Rs.3,44,72,000/-. This shall be filed on or before 7 January 2026. Such undertaking is of course, without prejudice to the outcome of these proceedings.

8. It is needless to clarify that the Respondent shall be entitled, to GST, in accordance with law, on the principal amount as and when the

situation so arises.

9. The above arrangement for the present would serve the interest of justice and balance equities. In such view of the matter, the attachment order dated 3 November 2025, passed by the Small Causes Court, Mumbai and the consequential order of the executing Court dated 24 December 2025 shall remain stayed till 13 January 2026 when the proceedings are to be listed before the regular Court.

10. Stand over to **13 January 2026**.

11. Parties to act upon an authenticated copy of this order.

(ADVAIT M. SETHNA, J.)