

KABC170018062023



**IN THE COURT OF LXXXIV ADDL. CITY CIVIL &
SESSIONS JUDGE, AT BENGALURU (CCH-85)
(Commercial Court)**

THIS THE 3rd DAY OF SEPTEMBER 2025

PRESENT:

**SRI. ANAND T. CHAVAN. B.Com.,LL.B.(Spl.)
LXXXIV ADDL. CITY CIVIL & SESSIONS JUDGE,
BENGALURU.**

Com.Exe.No.408/2023

Decree **M/s Pinxit Blue Advertising Pvt. Ltd.**
Holder:- A Company incorporated under the
Companies Act, 1956, having its
Registered Office at Lalbaug Industrial
Estate, Super Processor Compound,
2nd Floor, Lalbuag, Mumbai-400 012.
Rep by its authorized signatory,
Ajay Tulsidas Shroff.

(Rep by SL -Adv)

V/s

Judgment **1. Mr. Vikas Swami,**
Debtors:- Sole Proprietor of Networkers Home,
L-149, 6th Sector, 5th Main,

HSR Layout, Bangalore-560 102.

AND OTHERS.

**(Rep by SKJ- Adv for Jdr Nos.1, 3 to 5)
(Jdr No.2- Absent)**

PARTIES TO IA.No.14

Judgment debtor:- Mr. Vikas Swami & Ors.,

V/s

Decree-holder:- M/s Pinxit Blue Advertising Pvt Ltd.

PARTIES TO IA.No.15

Decree-holder:- M/s Pinxit Blue Advertising Pvt Ltd.

V/s

Judgment debtor:- Mr. Vikas Swami & Ors.,

(i)	Provisions under which the application is filed	IA No.14- U/Sec.59 R/w Sec.151 of CPC. IA No.15- U/Or. XXI Rules 41 R/w Sec.151 of CPC.
(ii)	Relief sought for	IA No.14 seeking to recall the arrest warrant issued against Judgment debtors. IA No.15 seeking direction to Judgment debtor No.1 to disclose on oath under an

		affidavit.
(iii)	The date on which the application are filed	03.06.2025 & 17.06.2025
(iv)	Number of the applications	2
(v)	The date on which the objections are filed by different opponents	IA No.14 By Decree-holder on 17.06.2025. IA No.15 By Judgment debtor on 05.07.2025
(vi)	The date on which the orders were passed on the said application.	03.09.2025

ORDER ON IA NO.XIV & XV

The Judgment debtor Nos.1 and 3 to 5 have filed IA No.XIV U/Sec.59 R/w Sec.151 of CPC seeking to recall the arrest warrant issued against the said Judgment debtors (Judgment debtor Nos.1, 3 to 5 is one and the same person).

Decree-holder has filed IA No.XV under Order XXI Rule 41 R/w. Sec.151 of CPC seeking to direct Judgment debtor No.1 to disclose on oath under an affidavit the following details of assets along with supporting documents held by him.

A. Disclose Full and complete details of all his assets, both movable and immovable, including but not limited to;

i) Details of all bank accounts (savings, current,

fixed, deposits etc.) with account numbers and bank names and the account balance available, along with bank statement for past two years.

ii) Details of all investments (shares, mutual funds, bonds, provident funds etc.).

iii) Details of all immovable properties owned, including their location, nature and extent along with schedule description and approximate market value thereof.

iv) Details of all movable properties of significant value, including vehicles, jewellery, computers, servers, laptops, mobiles, watches and other valuable assets.

v) Details of any income or sources of income.

B. Produce copy of Passport of the Judgment debtor, Aadhar card and PAN card along with statement of bank account for the past two years.

2. It is averred in the affidavit of Judgment debtor No.1 filed in support of IA No.XIV that, he is suffering from Chronic kidney disease (CKD) with proteinuria due to biopsy-proven AA Amyloidosis. This is a progressive and life threatening condition that has severely impaired with his kidney function and significantly impacted his overall health. The condition has been medically certified and documented by one Dr. Pallavi Patri of Manipal Hospitals, Bengaluru and said Judgment debtor is undergoing regular treatment and evaluation. His illness is not limited to loss of kidney function, but involves complications arising from deposition of Amyloid proteins in vital organs. The rare

and systemic condition requires continues medical attention, regular monitoring and specialized care to prevent rapid progression of kidney failure. For said reasons Judgment debtor is advised to prepare for a renal transplant. Hence Judgment debtor is undergoing a comprehensive pre-transplant work up under the care of Nephrologist, which involves series of diagnostic tests, consultations and evaluations etc., Any interruption or disruption in the said progress will jeopardize the transplant timeline and potentially endanger his life and further delays could lead to irreversible kidney failure. Further if arrest warrant issued against him is executed, it would severely compromise his ability to continue essential medical treatment and complete pre-transplant work up. His detention would deprive him to access to life saving treatment and expose him to high risk of complications. Further his inability to complete decree is not due to any deliberate or willful intention, but solely due to extraordinary circumstances surrounding his health. He is committed to resolve the matter with orders of the court as soon as his medical condition permits and he is entirely dependent on care and guidelines of his doctor. These amongst other grounds, it is prayed to recall the arrest warrant issued against Judgment

debtor by allowing IA No.XIV.

3. Decree-holder has filed objections to above application, wherein its averred that, the application is devoid of bonafides and it is an attempt to delay the execution of lawful decree passed in favour of Decree-holder. Judgment debtor has been invasive and non cooperative in complying with decree, despite repeated opportunities and legal proceedings. He has been continuously evading the execution of decree and he has not made sincere efforts to discharge his liability. Further time of the application coinciding with issuance of arrest notice, which raises doubt about bonafides of Judgment debtor. Judgment debtor has to demonstrate his medical condition is of such nature that it renders his detention in civil prison impossible and would endanger his life. Judgment debtor has not demonstrated that he has no means to satisfy the decree and Decree-holder has reason to believe that he possesses assets and has capacity to arrange payment of decretal amount. Judgment debtor has clandestinely protracted the process of the court through his wife/partner or associates by filing frivolous applications to obstruct attachment orders. Now arrest warrant is restrained with false and botched up medical

records. The recall of arrest notice would cause immense prejudice and hardship to Decree-holder and it will further delay the execution proceedings. These amongst other it is prayed to reject I A No. XIV.

4. Further it is averred in affidavit of authorized representative of Decree-holder filed in support of IA No.XV that, present execution petition is filed in pursuant to arbitration award dtd.26.10.2017 and said award has not been complied within time stipulated by the Court. The Judgment debtor with intention to defraud Decree-holder's legitimate claim is dodging compliance of above award. Further the court vide order dtd.14.06.2024 and 24.06.2024 passed order of attachment of movable of Judgment debtors and on reaching the premises of Judgment debtor, he promised to co-operate as per order of the court and sought two hours time. Thereafter he sent series of messages making false allegations and threatened to file false complaint against said representative of Decree-holder and officer of this court with police and obstructed execution of said order illegally. The Judgment debtor is simply evading execution of decree and Decree-holder had to seek assistance of judicial police for execution of attachment of movables. When again Decree-holder's

representative went to the premises at Judgment debtor with police and when they attached and seized available movables, value of such movables were very little comparing to decretal amount. Further Judgment debtor had locked 2nd and 3rd floor of the premises to obstruct the process. Thereafter on 09.08.2024 the court permitted Decree-holder to attach two cars of Judgment debtor. In the meantime, Judgment debtor and land owner of the building filed applications to object said attachment. After hearing them court by order dtd.05.09.2024 ordered for attachment of two cars. Thereafter on 30.09.2024 Decree-holder again went to address at the memo of list of movables at Belanduru and found Judgment debtor leaving the building complex saying that he is traveling and he is not available. Further when they reached the door of the apartment complex, same was locked and on going to 2nd address at HSR layout, they were informed that Judgment debtor is evicted. Further his office at Bommanahalli was also locked and two cars sought to attached were not available. Hence Judgment debtor has been obstructing with administration justice and he cannot be permitted to defeat the above proceedings. Now Decree-holder has sought issuance of arrest notice and at this stage Judgment debtor has appeared before

this court. It is credibly learnt that Judgment debtor is dissipating assets to ensure that the award is rendered infructuous and these amongst other grounds, it is prayed to direct Judgment debtor to disclose his assets to satisfy the decretal amount by allowing I A No.XV.

5. The Judgment debtor No.1 has filed objections to above application through his counsel, wherein its averred that the application is not maintainable and Decree-holder being aware about existing modes of execution has already undertaken and partly acted upon by attempting to misuse process of law. He has already proceeded with attachment of certain movable properties allegedly belonging to Judgment debtor, some of which do not even belong to him. In spite of it Judgment debtor has not registered the efforts of Decree-holder. Now Decree-holder has filed present application and thereby circumventing legal process and overburdening Judgment debtor with paralyzed steps which are not warranted. The application is premature and Decree-holder has not demonstrated that earlier attachments are insufficient to satisfy the decree. It is further averred that Judgment debtor has no intention to evade execution of award and currently is undergoing serious and prolonged medical treatment

for life threatening condition of Chronic kidney disease. Hence further coercive directions to Judgment debtor amount to undue harassment and mental distress to a person suffering from critical ailment. The allegations made by Decree-holder are exaggerated without any credible material and same are made to invoke sympathy and to secure extreme orders. These amongst other grounds, it is prayed to reject the application.

6. The following points arise for consideration;

1. Whether Judgment debtor Nos.1 and 3 to 5 have made out grounds to recall the arrest warrant issued against Judgment debtors, as prayed for in IA No.XIV?

2. Whether Decree-holder has made out grounds to direct Judgment debtor No.1 to disclose details of his aforesaid assets on oath, as prayed for in IA No.XV?

3. What order?

7. Heard arguments of both sides, perused records.

8. My answer in the above points are as under:

**Point No.1:- In the negative,
Point No.2:- In the affirmative,
Point No.3:- As per final order,
for the following:-**

REASONS

9. Point Nos.1 and 2:- The Decree-holder has filed present Execution Petition seeking recovery of sum of Rs.2,79,81,798/- against the judgment debtors. It shows that, as per cause title of the plaint Judgment debtor No.1, 3 to 5 are one and the same person, who has represented as sole proprietor of Networks Eduhome and as a partner of NH School of Design and he is also arrayed as party in individual capacity. It further shows that, the aforesaid amount is claimed by Decree-holder as per award passed by Sole Arbitrator Mr. Anoshak S Daver of Mumbai and considering the jurisdiction of the court, the petition has been filed before this court. It further shows that, despite several coercive steps, till today Decree-holder has not been able to recover the entire decree amount and attachment of certain movables are objected by 3rd party objectors during execution process. Considering all these aspects, this court has issued arrest notice to Judgment debtors and finally said arrest notice has been published in Vijayavani Newspaper dtd.04.04.2025 in view of non service of said notice on Judgment debtor for long time. In pursuant to said publication of arrest notice, Judgment debtor No.1, 3 to 5, who are one and the same person have now

appeared before court through his counsel and filed present application seeking to recall arrest warrant issued against them. However admittedly till today arrest warrant is not issued and now Judgment debtor No.1, 3 to 5 claim that Judgment debtor No.1 is suffering from chronic kidney ailment. In support of IA No.XIV Judgment debtor has filed a Medical Certificate said to have been issued by one Dr. Pallavi Patri along with two outpatient records stating that Judgment debtor No.1 is suffering from chronic kidney disease and he is willing for renal transplantation at a later date by awaiting for their potential renal donor. It is further mentioned that he is undergoing pre-transplant work up under their case. However in aforesaid medical certificate and OPD records, it is not mentioned with regard to pattern of treatment and the duration of such pre-transplant process. Moreover the exact condition of Judgment debtor No.1 is not mentioned in said medical records and it is also ambiguous with regard date of commencement and conclusion of such treatment. Hence on the basis of aforesaid vague medical documents, Judgment debtors cannot escape from liability to satisfy the award under execution for indefinite period and they cannot dictate the terms to execute the case as per their own convenience.

Moreover till today Judgment debtors have not paid any amount despite repeated coercive steps like attachment of movables since last two years. Further the records depicts that Judgment debtors has been evading and avoiding the satisfy the award claim since long time and the grounds urged by him for allowing the application are not satisfactory. If at all, this court recalls further proceedings under arrest notice, it will not be possible for the court to recover decree amount by any other means, as Judgment debtors have not disclosed their place of abode and their assets for satisfaction of the decree. Hence IA No.XIV filed by Judgment debtor Nos.1, 3 to 5 deserves to be rejected.

10. As far as IA No.XV is concerned, as already stated above despite lapse of two years Judgment debtors has not paid anything voluntarily nor any substantial amount has been recovered by way of coercive steps for satisfaction of the award amount. Further 3rd party objectors have also appeared and objected the process of execution of movables warrants. Under such circumstances considering the huge amount due under the petition and considering the evasion on part of Judgment debtors to satisfy the decree, it appears necessary to direct Judgment debtor No.1 to disclose

the details mentioned in IA No.XV on oath as prayed for in said application. Hence IA No.XV deserves to be allowed. **Hence Point Nos.1 and 2 are answered in the accordingly.**

11. Point No.3:- For the reasons stated and findings given on Point Nos.1 and 2, the following is:-

Order

IA No.XIV filed by Judgment debtor Nos.1 and 3 to 5 U/Sec.59 R/w Sec.151 of CPC, is hereby rejected.

IA No.XV filed by Decree-holder under Order XXI Rule 41 R/w Sec.151 of CPC, is allowed.

The Judgment debtor No.1 is directed to furnish details of his properties as sought in IA No.15 on oath in the form of affidavit within 15 days from the date of this order.

Await details of assets of Judgment debtors and further steps by 17.09.2025.

*[Dictated to the Stenographer Grade-III, directly on the computer, typed by her, then corrected and signed by me and pronounced in the Open Court, dated **this the 3rd day of September 2025]***

(ANAND T. CHAVAN)

LXXXIV Addl.City Civil & Sessions Judge,
Bengaluru.