

MHRG170003012023



IN THE COURT OF DISTRICT JUDGE-1 PANVEL-RAIGAD
AT : PANVEL
ORDER BELOW EXHIBIT NO.46 IN DARKHAST NO.2/2023
(DATED 17/01/2026)

The Decree Holder has filed present application for extension of returnable date of warrant of attachment issued vide order dated 09/09/2025 and 24/12/2025.

2] It is stated by Decree Holder that on 09/09/2025 the Court was pleased to issue warrant of attachment under Order 21 Rule 43 against Judgment Debtor and police protection for the execution of warrant was provided vide order dated 20/12/2025. Further it is stated that, vide bailiff report dated 13/01/2026 the attachment of properties could not be commissioned as the police protection was not provided in accordance with order dated 20/12/2025. Hence, it is prayed by Decree Holder that returnable date of warrant of attachment with police protection be extended upto 18/02/2026, so that the attachment under police protection can be effectively commissioned.

3] The Judgment Debtor opposed application by filing say vide Exh.47. It is stated that the Hon'ble High Court vide order dated 16/01/2026 passed in Commercial Arbitration Petition No.469/2022, was pleased to grant liberty to Decree Holder to

approach the Executing Court by filing an appropriate application for stay. Pursuing to the liberty granted by the Hon'ble High Court, the Judgment Debtor had already filed an interim application for stay before this Court which is pending for adjudication. The said application is fixed for consideration on 22/01/2026. In view of the pendency of said interim application, there is no cause of action whatsoever for issuance and/or extension of execution of warrant of attachment at this stage. Further it is stated that the warrant of attachment sought to be extended pertains to the business premises of the Judgment Debtor. If the said warrant is executed prior to the hearing and adjudication of the Judgment Debtor's application for stay, the Judgment Debtor would suffer grave and irreparable loss, hardship and prejudice including disruption of its business operations and reputation. On the other hand, no prejudice or harm would be caused to the Decree Holder if the application for extension of warrant is not entertained, especially when the Judgment Debtor's application for stay is pending. It is also stated that the present application is pre-mature, misconceived and filed with an intention to overreach the judicial process, despite being aware of the pendency of the Judgment Debtor's application for stay. Hence, it is prayed by Judgment Debtor that the application be dismissed.

4] Heard Ld.Advocate Shri Pratik Pujari for Decree Holder and Ld.Adv.Smt.Samita Vaviya for Judgment Debtor. Perused application and say filed by Judgment Debtor vide Exh.47. Both

Ld. Advocates have made their respective submissions on the line of averments made in the application and say respectively.

5] After giving thoughtful consideration to the rival submissions, I have gone through the record. The Ld. Advocate for Judgment Debtor has placed on record an order passed by Hon'ble Bombay High Court in Commercial Arbitration Petition No. 469/2022 dated 16/01/2026. On perusal of said order it clearly seems that, the Hon'ble High Court has granted liberty to Judgment Debtor for stay upon deposit of 75% of the amount in terms of the award. The Judgment Debtor has not deposited any amount of award till today in the Court. In such circumstances Judgment Debtor is not entitled to oppose the present application. This Court has already issued attachment warrant on 09/09/2025 and 24/12/2025. In view of aforesaid discussion, I pass the following order.

ORDER

1. The application below Exh.46 is allowed.
2. The returnable date for warrant of attachment issued vide order dated 09/09/2025 and 24/12/2025 is extended till 18/02/2026 with police protection at the cost of Decree Holder.

Panvel
Date: 17/01/2026

(S. R. Ugale)
District Judge-1, Panvel

CERTIFICATE

I affirm that, the contents of this P.D.F file judgment/ order are same, word to word, as per the original Judgment.

Name of Stenographer : S. J. Sheth (Grade 1)
Dictation given on (direct) : 17/01/2026
Order signed by PO on : 22/01/2026
Order uploaded on : 22/01/1026