

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6103 of 2026**

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M/S CRAVE INTERNATIONAL & ANR.

Versus

M/S MULTITON POLYPACK PRIVATE LIMITED

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Appearance:

MR DEVANG VYAS LD SENIOR ADVOCATE with

MR JASH S THAKKAR(11271) for the Petitioner(s) No. 1,2

MR MAULIK G NANAVATI ADVOCATE for

JURIS LEGAL PRACTITIONERS(17818) for the Respondent(s) No. 1

MR HARSHAD O JOSHI(11428) for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 29/04/2026****ORAL ORDER**

1. The present petition is filed by the petitioners challenging the impugned order passed by the learned 3rd Additional District Judge, Bhavnagar dated 27.03.2026 in Regular Execution No. 1 of 2025 praying for following reliefs:-

"A. This Hon'ble Court may be pleased to admit and allow the present petition.

B. This Hon'ble Court be pleased issue a Writ of Certiorari or any other appropriate writ, order or direction in the nature of Certiorari, quashing and setting aside the impugned order dated 27.03.2026 passed by the Ld. 3rd Addl. District Judge, Bhavnagar, in Regular Execution Case No. 1 of 2025 (Annexure A);

C. Pending the admission, hearing, and final disposal of this petition, be pleased to stay the operation,

implementation, and execution of the impugned order dated 27.03.2026 passed by the Ld. 3rd Addl. District Judge, Bhavnagar, in Regular Execution Case No. 1 of 2025 (Annexure A);

D. This Hon'ble Court pleased to grant ex-parte ad-interim relief in terms of prayer (C) above;

E. This Hon'ble Court pleased to pass such other and further orders as may be deemed fit by this Hon'ble Court in the interest of justice;"

2. Heard learned Senior Advocate Mr. Devang Vyas assisted by learned advocate Mr. Jash Thakkar for the petitioners and learned advocate Mr. Maulik G Nanavati on behalf of Juris Legal Practitioners for the respondent.

3. It is submitted by the learned Senior Advocate for the petitioners that the respondent herein filed Special Execution Petition No.3 of 2023 before the learned Principle Senior Civil Judge at Bhavnagar. Upon objections being raised, vide order dated 06.08.2025, the Execution Petition was returned to the applicant for presenting before the appropriate Court. Thereafter, the learned Principal District Judge, vide order dated 03.09.2025, transferred the Execution Petition before the

learned 3rd Additional District Court (Commercial Court), Bhavnagar. A request for adjournment was rejected by the learned Executing Court on 27.03.2026 and passed an order of attachment of properties. It is submitted that without giving any opportunity of being heard, the impugned order came to be passed.

3.1. It is further submitted that the petitioners be given an opportunity to represent their submissions by way of objections before the learned Executing Court. It is further pointed out by the learned Senior Advocate for the petitioners that the order dated 27.03.2026 be quashed and set aside and the petitioners be permitted to contest the Execution Application. Except above, no other submissions were made by learned Senior Advocate for the petitioners.

4. *Per contra*, learned advocate Mr. Maulik G Nanavati for the respondent submitted that upon transferring the Execution Petition before the learned 3rd Additional District Court

(Commercial Court), the process of execution served upon the petitioners on 19.12.2025 and thereafter as many as six adjournments were sought for by the petitioners for filing objections. Thereafter, when on 27.03.2026, an application for adjournment was submitted by the learned advocate for the petitioners. Learned Executing Court, after observing the conduct of the learned advocate for the petitioners, rejected the application. It is submitted that after passing of the order dated 27.03.2026, till today, the petitioners have not filed any objections against the execution. Therefore, no interference is required by this Court. Except above, no other submissions were made by learned advocate for the respondent.

5. Having considered the submissions and on perusal of the papers placed on record, it appears that originally the execution petition was filed by the present respondent before the learned Principal Senior Civil Judge, Bhavnagar being Execution Petition No. 3 of 2023. The objections were raised

by the petitioners herein regarding territorial jurisdiction of the learned Executing Court and the learned Executing Court vide order dated 06.08.2025 returned the execution petition to the petitioners to be presented before the appropriate forum. Thereafter, the Execution Petition was filed before the learned District Court, Bhavnagar, and, thereafter, the learned Principal District Judge, vide order dated 03.09.2025 transferred the execution petition before the learned 3rd Additional District Court (Commercial Court) Bhavnagar. It also appears from the case details that after service of notice of execution, the present petitioners have sought for number of adjournments for filing the reply. When an application dated 27.03.2026 seeking adjournment was filed, the learned Executing Court rejected the application and issued an attachment warrant. There is no debate on the fact on an application for adjournment, the learned Executing Court issued attachment warrant against opponents. Petitioners were not heard before issuance of attachment warrant.

6. Considering the facts and circumstances appear on record, I am of the view that the petitioners are required to be granted a last chance to raise objections against the execution and the learned Executing Court shall decide objections that may be submitted after an opportunity of being heard given to both the sides. However, it appears that the judgment and decree is of year 2022, hence execution proceedings expected to be decided within the stipulated time. In view of this, the petitioners herein are directed to submit objections, if any, before the learned Executing Court within a period of seven days from today and the learned Executing Court after giving an opportunity of being heard to both the sides shall decide the controversy within a period of 15 days from the date of presenting objections by petitioners.

7. Resultantly, the order dated 27.03.2026 passed by the learned 3rd Additional District Judge, Bhavnagar, in Regular Execution No. 1 of 2025 regarding issuance of attachment

warrant is hereby quashed and set aside. The learned Executing Court shall decide the objections on merits and thereafter shall pass appropriate order in accordance with law. The present petition is allowed accordingly.

8. It is needless to observe that this Court has not gone into the merits of the case. The petitioners as well as learned advocate for the petitioners shall give full co-operation to the learned Executing Court in getting the objections decided within the stipulated time without asking for unnecessary adjournments. Contentions of both the parties are left open.

(D. M. DESAI,J)

SHIVANI SHUKLA