

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 510 OF 2025

Rajesh Gunvantai Mehta
(Since Deceased through his Legal Heirs
Bhavna Rajesh Mehta and Anr.

.. Appellants

Versus

Amish Anantrai Modi and Anr.

.. Respondents

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- Mr. A. K. Chauhan a/w. Ms. Vidya Rao, Mr. Abhijit Bansolde, Mr. Jinay Jain, Mr. Sahil Rao, Ms. Damini Mishra and Jainey Chauhan, Advocates for Appellants.
 - Ms. Charmi Shah, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 24, 2026.

P.C.:

1. Heard Mr. Chauhan, learned Advocate for Appellants and Ms. Shah, learned Advocate for Respondent.

2. Grievance between parties before me is emanating from an Execution proceedings will be heard by the learned Executing Court.

3. Mr. Chauhan submits that though there is a direction to deposit 50% of said amount forthwith to seek stay on Execution, he would submit that entire amount is approximately 26 lakhs. He would submit that Appellant is ready and willing to file undertaking in this Court on Affidavit securing first charge on an immovable property belonging to Appellants which is worth more than 7 crores which is

residential flat at Vile Parle so that Respondent is rest assured that the claim of the Respondent is secured. He would submit that in that view of the matter all that he presses is that the learned Executing Court should hold its hands until the present set of Appeal From Orders are heard by the Court.

4. Today, there is one Appeal From Order listed by the Court, but there is some ambiguity in that Appeal From Order, Mr. Chauhan will put his house in order and accordingly serve an appropriate fresh copy of the Appeal From Order on the other side as well as file the same in Court.

5. Leave and liberty is granted to Mr. Chauhan because it *prima facie* appears that at the time of scanning there is some issue which has arisen with respect to paragraph No.26 of the said Appeal From Order and prayer clauses are missing. Department shall cooperate with Mr. Chauhan to that extent so that the Advocate does not have any difficulty in carrying out the necessary amendment to the Appeal From Order. Necessary amendment is permitted to be carried out to implead the prayers in the Appeal From Order as well as Interim Application within a period of one week from today. Re-verification stands dispensed with.

6. To secure the interest of Respondent an Affidavit-cum-undertaking securing amount to the extent of Rs.26 lakhs be filed

giving all details of the secured property to this Court within a period of one week from today.

7. List the present Appeal From Order alongwith Appeal From Order (St) No.11871 of 2026 and Interim Application (St) No.11876 of 2026 together on **7th May 2026**.

8. Copy of the amended Appeal From Order shall be served within a period of one week from today on the other side. Also a copy of the new Appeal From Order and Interim Application has been served today in Court.

9. Learned Advocate for Respondent shall cooperate before the Executing Court accordingly and all parties shall act on a server copy of this order.

[MILIND N. JADHAV, J.]

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2026.04.24
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