

HARSHADA H. SAWANT
(P.A.)

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

WITH
APPEAL FROM ORDER (ST.) NO.11871 OF 2026
WITH
INTERIM APPLICATION (ST.) NO.11876 OF 2026
WITH
INTERIM APPLICATION (ST.) NO.13183 OF 2026

Bhavna Rajesh Mehta and Anr. .. Appellants
Versus
Amish Anantrai Modi .. Respondent

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- Mr. A. K. Chauhan a/w. Ms. Vidya Rao, Mr. Abhijit Bansode, Ms. Damini Mishr, Mr. Sahil Rao, Mr. Jainey Chauhan, Mr. Jinay Jain, Advocates for Appellants.
 - Ms. Charmi Shah, Advocate for Respondent in Appeal from Order No.510 of 2025.

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CORAM : MILIND N. JADHAV, J.
DATE : MAY 08, 2026

P.C.:

- 1.** Heard Mr. Chauhan, learned Advocate for Appellants and Ms. Shah, learned Advocate for Respondent in Appeal from Order No.510 of 2025.
- 2.** There is one Respondent in the matter.
- 3.** On 24.04.2026, the following order was passed:-

“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.”

4. Today matter was listed yesterday but it did not reach

therefore at request of Mr. Chauhan, matter is kept today.

5. Today when the matter is heard Mr. Chauhan apprises the Court that in compliance with the aforesaid order, directions contained in paragraph Nos.3 to 5 stand complied with. However in so far paragraph No.6 is concerned, he would submit that after obtaining instructions from Appellants he has instructions to submit to the Court that Appellants will be ready and willing to deposit 50% of the amount to secure the interest of Respondent before the Executing Court to show their *bonafides*. He would also submit that sentence No.1 as appearing in paragraph No.3 of the order dated 24.04.2026 has been recorded incorrectly because it was never his submission about the deposit of 50% of the amount before Executing Court but in the course of arguments which were advanced across the bar, learned Advocate for the other side came up with this suggestion.

6. Be that as it may, once Appellants before me are in a position to show their *bonafides*, it is duty of Court to step in. Appellants are in Execution proceedings before the Executing Court. The entire claim of Respondent is to the tune of Rs.26,00,000/- only. Appellants had infact given suggestions to the Court that Appellants are ready and willing to secure an immovable property worth more than Rs.7 Crores but after taking instructions, Mr. Chauhan would submit that said property is under litigation and therefore it may be objected to by

other side. However since Mr. Chauhan has come with Demand Draft of 50% namely Rs.13,00,000/- same is directed to be deposited before the Executing Court within one week from today.

7. Ms. Shah would like to file Affidavit-in-Reply to the undertaking which has been filed by Mr. Chauhan to oppose the Appeal from Order. She is given four weeks time to file Affidavit-in-Reply to the Undertaking. Affidavit-in-Rejoinder, if any to be filed within a period of four weeks thereafter.

8. In the meanwhile Executing Court is directed not to proceed with the Execution proceedings against the Appellant before me. The Execution proceedings stand fully stayed.

9. Amount of Rs.13,00,000/- will be accepted by the Executing Court against the concerned matter.

10. Stand over to **02nd July 2026.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2026.05.11
15:41:40 +0530