

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION (L) NO.1531 OF 2023
IN
COMMERCIAL EXECUTION APPLICATION (L) NO.39614 OF 2022**

Neelam Duldeep Ahluwalia ... Applicant
Vs.
Tajender Singh Ahluwalia and anr. ... Respondents

Ms. Mahima Shah i/by M/s Agarwal & Dhanuka Legal, Advocate for the Applicant.
None for the Respondents.

**CORAM : ABHAY AHUJA, J.
DATE : 04 JULY, 2024.**

PC. :

1. Ms. Mahima Shah, learned counsel appears for the Applicant and submits that although none is present on behalf of the Respondents, she has been informed by the Advocate for the Respondents that the release deed was signed by Mr. Sukhjit Singh before his death.

2. On 10th June, 2024, when the matter was called out, this Court was informed that the compliance of the signing of the release deed could not be completed, as Mr. Sukhjit Singh who was to sign the release deed in respect of the suit properties had passed away in May, 2024. Therefore, for steps to bring the heirs of the deceased on record time was granted.

The order dated 10th June, 2024 is usefully quoted as under :

“1. Today the matter has been listed under the caption “For Compliance”.

2. When the matter is called out, Ms. Shah, learned Counsel appears for the Applicant and submits that the compliance could not be completed as Mr. Sukhjit Singh, who was to sign the release deed in respect of the two properties, passed away on May, 2024 and therefore, steps would have to be taken to bring the heirs of the deceased on record and seeks some time.

3. Accordingly, at her request, list on 4th July, 2024 under the caption “For Compliance”.

3. Today neither anyone appears for the Respondents nor any communication is placed on record nor there is any affidavit with respect to the factual position which is sought to be contradicted today.

4. Accordingly, let an appropriate affidavit be filed by the parties setting out the correct factual position with respect to the death of Mr. Sukhjit Singh and the signing of the release deed in respect of the two properties in question.

5. List on 22nd August, 2024.

6. It is made clear that if no affidavit is filed in this regard, this Court will pass appropriate orders including dismissing the Application.

(ABHAY AHUJA, J.)