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

**INTERIM APPLICATION NO.1 OF 2019
IN
EXECUTION APPLICATION NO.1260 OF 2015**

L & T Finance Ltd. ..Applicant

v/s.

K. B. Rajendra Prasad & Anr. ..Respondents

**WITH
INTERIM APPLICATION NO.1 OF 2019
IN
EXECUTION APPLICATION NO.1422 OF 2015
WITH
CHAMBER SUMMONS NO.790 OF 2015
WITH
INTERIM APPLICATION NO.1 OF 2019
IN
EXECUTION APPLICATION NO.53 OF 2016
WITH
CHAMBER SUMMONS NO.1348 OF 2015
WITH
INTERIM APPLICATION NO.1 OF 2019
IN
EXECUTION APPLICATION NO.1116 OF 2016
WITH
CHAMBER SUMMONS NO.357 OF 2016
WITH
INTERIM APPLICATION NO.1 OF 2019
IN
EXECUTION APPLICATION (L) NO.162 OF 2016**

WITH
CHAMBER SUMMONS NO.536 OF 2016
WITH
INTERIM APPLICATION NO.1 OF 2019
IN
EXECUTION APPLICATION NO.757 OF 2015
WITH
INTERIM APPLICATION NO.1 OF 2019
IN
EXECUTION APPLICATION NO.2835 OF 2015
WITH
CHAMBER SUMMONS NO.810 OF 2015
WITH
INTERIM APPLICATION NO.1 OF 2019
IN
EXECUTION APPLICATION NO.2921 OF 2015

Mr. Mandar Bangale a/w Rebin O' Ralan i/b. DS Law for the applicant in IA.

CORAM : A.K. MENON, J.

DATED : 9TH MARCH, 2020.

P.C. :

1. Interim applications seek amendment by substituting the applicants as the claimants instead of the original decree holders. The application is seen to be served since the learned counsel for the applicant states that the affidavits of service dated 3rd February, 2020 filed on 5th February, 2020 has annexed thereto copies of the postal tracking report which confirms that the item is delivered.

2. The learned counsel for the applicant relies upon a copy of Deed of Assignment extract of which is produced before me today. It is stated that by virtue of this Deed dated 26th June, 2019 the original applicant has assigned to the current applicant as assignee all receivables, described therein as financial assets, in respect of the respondents in this application and several other such respondents all of whom are said to be member of the described account asset in Schedule I. Since it is a voluminous document the copies not annexed to this application.
3. In view of the aforesaid statement, according to the learned counsel for the applicant, the respondents not being party to the Deed of Assignment are strictly speaking not concerned with this application. However, he states that best of his knowledge all respondents have been served. Statement is accepted. In view of the statement of learned counsel in the affidavit in support of service and the respondent being absent on call, I am of the view that this application is liable to be allowed. In view thereof, I pass the following order;
 - (i) All interim applications are allowed in terms of prayer clauses (a) and (b). Re-verification dispensed with.
 - (ii) The amended execution applications shall be served upon the respondents personally within a period of eight weeks from today. If service is not effected, applications shall stand dismissed without further reference to Court.

- (iii) Affidavits of service shall be filed within ten weeks from today.
If service is not completed, all those unserved applications shall stand dismissed without further reference to Court.
- (iv) All interim applications are disposed in the above terms.

(A.K. MENON, J.)

wadhwa