



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

EXECUTION APPLICATION (L) NO. 4782 OF 2024

Lanvin Synthetics Pvt. Ltd. & Anr.

...Applicants

V/s.

Union of India & Ors.

...Respondents

Mr. Darius Shroff, Senior Advocate with Mr. Rahul P. Jain i/b Alpha Chambers, Advocate for the Applicants/Petitioners/Judgment Creditors
None for the Respondents.

CORAM : ABHAY AHUJA, J.
DATE : 28th MARCH, 2024

PC. :

1. This praecipe has been filed to seeking direction to the Registry to waive the objection with respect to notice under Order 21 Rule 22 of the Code of Civil Procedure, 1908 (the “CPC”).

2. Mr. Shroff, learned Senior Counsel appears for the Applicant and would submit that as stated in the praecipe although the order under execution is dated 24th October, 2018 and the application for execution has been made on 9th February, 2024 and although it may appear that two years period has elapsed from the date of the order under execution, however, in view of the delays due to the Covid period, which have been excluded by the *suo-motu* order of the Hon’ble



Supreme Court order and due to the time taken in pursuing the execution by way of writ petitions, the period involved is only 1 year 11 months and 19 days and therefore, the execution application is within time.

3. Mr. Shroff, has also draws the attention of this Court to the order dated 11th July, 2023, of a Division Bench of this Court (Coram: G. S. Kulkarni & Jitendra Jain, JJ.), where in paragraph 11, the Division Bench has observed that the Petitioners have a remedy to execute the orders in writ petition under Rule 647 of the Bombay High Court (Original Side) Rules, 1980, as the said orders are treated as a decree made in exercise of a Ordinary Original Civil Jurisdiction of this Court. Mr. Shroff, would submit it is pursuant to this order that the execution proceeding has been filed.

4. I have heard the learned Senior Counsel and also considered the provisions of Order 21 Rule 22 of the CPC, as well as the objection raised by the Registry.

5. Order 21 Rule 22 of the CPC, requires to have the show cause notice issued on behalf of the Decree Holder in cases where the



application for execution is made more than two years after the date of the decree.

6. In the facts of the case, though ostensibly it appears that the application has been made after two years from the date of the order in execution viz. 24th October, 2018, however, as Mr. Shroff, has explained that that is not the case, as the period involved is only 1 year 11 months and 19 days, therefore it would be appropriate for the Applicants to file a Judge's Order seeking dispensation of issuance of notice under Order 21 Rule 22 of the CPC, which can be considered after it has been filed.

7. With this, the praecipe accordingly stands disposed.

(ABHAY AHUJA, J.)