

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO. 4199 OF 2025**

IN

COMMERCIAL EXECUTION APPLICATION NO. 28 OF 2023

Desmond Crasto ... Applicant

Versus

Sumer Buildcorp Private Limited ... Respondent

WITH

GARNISHEE NOTICE NO. 19 OF 2026

GARNISHEE NOTICE NO. 20 OF 2026

GARNISHEE NOTICE NO. 13 OF 2026

GARNISHEE NOTICE NO. 14 OF 2026

GARNISHEE NOTICE NO. 15 OF 2026

GARNISHEE NOTICE NO. 16 OF 2026

GARNISHEE NOTICE NO. 17 OF 2026

GARNISHEE NOTICE NO. 21 OF 2026

GARNISHEE NOTICE NO. 18 OF 2026

GARNISHEE NOTICE NO. 22 OF 2026

GARNISHEE NOTICE NO. 23 OF 2026

GARNISHEE NOTICE NO. 36 OF 2026

GARNISHEE NOTICE NO. 41 OF 2026

GARNISHEE NOTICE NO. 24 OF 2026

GARNISHEE NOTICE NO. 25 OF 2026

GARNISHEE NOTICE NO. 26 OF 2026

GARNISHEE NOTICE NO. 27 OF 2026

GARNISHEE NOTICE NO. 28 OF 2026
GARNISHEE NOTICE NO. 37 OF 2026
GARNISHEE NOTICE NO. 29 OF 2026
GARNISHEE NOTICE NO. 30 OF 2026
GARNISHEE NOTICE NO. 31 OF 2026
GARNISHEE NOTICE NO. 43 OF 2026
GARNISHEE NOTICE NO. 44 OF 2026
GARNISHEE NOTICE NO. 38 OF 2026
GARNISHEE NOTICE NO. 42 OF 2026
GARNISHEE NOTICE NO. 40 OF 2026
GARNISHEE NOTICE NO. 32 OF 2026
GARNISHEE NOTICE NO. 39 OF 2026
GARNISHEE NOTICE NO. 33 OF 2026
GARNISHEE NOTICE NO. 34 OF 2026
GARNISHEE NOTICE NO. 35 OF 2026
GARNISHEE NOTICE NO. 45 OF 2026
GARNISHEE NOTICE NO. 7 OF 2026
GARNISHEE NOTICE NO. 8 OF 2026
GARNISHEE NOTICE NO. 9 OF 2026
GARNISHEE NOTICE NO. 10 OF 2026
GARNISHEE NOTICE NO. 12 OF 2026
GARNISHEE NOTICE NO. 11 OF 2026

NOTICE (L) NO. 4430 OF 2026

IN

INTERIM APPLICATION NO. 4199 OF 2025

WITH

INTERIM APPLICATION NO. 3417 OF 2023

IN

COMMERCIAL EXECUTION APPLICATION NO. 28 OF 2023

.....

Mr. Bhupesh Dhumatkar alongwith Ms. Kalyani Deshmukh instructed by FZB & Associates, Advocate for the Applicant.

Mr. Ankit Lohia alongwith Mr. Chirag Sarawagi and Mr. Yash Singh instructed by Mr. Tushar Goradia, Advocate for the Respondent.

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CORAM : ABHAY AHUJA, J.

DATE : 6 APRIL 2026

PC. :

Interim Application No.4199 of 2025 & Interim Application No.3417 of 2023 in Commercial Execution Application No.28 of 2023 :

1. Await report of service of notices to the garnishees.
2. Mr. Dhumatkar, learned Counsel, appears for the Applicant and submits that no payments have been made in accordance with paragraph 14 of the order dated 9th January 2026 nor is one of the Judgment Debtors viz. Mr. Ramesh Shah present in Court despite directions of this Court to remain present in Court on every date when the matter is listed including today.
3. Mr. Lohia, learned Counsel, appears for the Respondents and submits that Mr. Ramesh Shah was here until 5.15 p.m. and then he had to rush for another engagement and only Mr. Rahul Shah is present in Court. That after 19th June 2025, the Respondent has paid Rs.1.54

Crores on 24th February 2026 and only Rs.3 Crores are outstanding and that the amounts would be paid. Mr. Lohia further submits that costs have also been paid.

4. Having heard the learned Counsel, at the outset, it needs to be said that where the orders directing presence in Court or undertakings given to the Court to remain present on every date that the matter is listed are given, they apply to the time as to when the matters are called out and not just to the date when the matters are listed and to come to the Court and wait for some time as per convenience and then instruct the lawyer to make submission that they were present in Court and therefore, perhaps their attendance should be marked, is not a practice that ought to be encouraged as it lowers the dignity of the justice and legal system. The Court proceedings are different from class room proceedings and until and unless the legal fraternity upholds the majesty of the institution and ensures obedience of the orders of the Court, the legal and judicial system may come to a crumbling halt. It is the duty of the Advocates/Counsel appearing before the Courts to ensure that their clients abide by the orders of the Court in letter and its spirit. Nothing more needs to be said on this aspect.

5. Let Mr. Ramesh Shah and Mr. Rahul Shah who have

undertaken to remain present in Court on every date when the matter is listed, remain present in Court on every date, when the matter is listed and called out and heard and orders passed and not disappear in the manner as has been sought to be done today. Only as and by way of indulgence, this Court is not proceeding to issue contempt notice against Ramesh Shah.

6. Let statement of amounts received till date be furnished to this Court by the Applicant by the next date.

7. Let outstanding payments in accordance with the undertaking given to this Court also be paid by the Respondent to the Applicant.

8. List on **6th May 2026**.

9. The Directors of the Judgment Debtor, viz. Mr. Ramesh Shah and Mr. Rahul Shah who have undertaken to remain present in this Court on every date when the matter is listed are directed to remain present in Court on every date when the matter is listed including the next date.

10. The aforesaid order is without prejudice to the rights of the Applicant to take out appropriate proceedings for breach of undertaking and orders of this Court.

(ABHAY AHUJA, J.)