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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COMMERCIAL EXECUTION APPLICATION NO. 150 OF 2025

A1 Tasnim Cement Products LLC ... Applicant

Versus

Simplex Infrastructure LLC ... Respondent

WITH

NOTICE NO. 84 OF 2025

IN

COMMERCIAL EXECUTION APPLICATION NO. 150 OF 2025

.....
Mr. Shahbazkhan Sandi alongwith Ms. Shaista Pathan instructed by
YNA Legal, Advocate for the Applicant.
None for the Respondent.

.....
CORAM : ABHAY AHUJA, J.
DATE : 8 DECEMBER 2025

PC. :

1. When the matter is called out, Mr. Sandi, learned Counsel appearing for the Applicant raises a grievance against the Registry that despite follow-up at least three times, notice under Order XXI Rule 22 of the Code of Civil Procedure, 1908 ("CPC") as directed by this Court to be issued has not been issued.

2. Mr. Sandi submits that even when on Friday he approached the Registry for issuance of the said notice, the person in the Execution Department has stated that the notice has been misplaced and that an adjournment be sought from this Court when the matter listed today.

3. Although perusal of the orders of this Court since 1st September 2023, when notice under Order XXI Rule 22 of CPC was directed to be issued until 14th December 2023, it appears that the notice could not be served and the extension of the returnable date has been sought at least until that date, however, the grievance raised by the Advocate and the purported statement of the person in the Execution Department to seek time from the Court as the notice has been misplaced, does not augur well for the High Court or for the Execution Department.

4. Accordingly, the Prothonotary & Senior Master is directed to conduct an enquiry into the matter and place a report before this Court by the next date.

5. List on **12th December 2025**.

6. This Court would have otherwise kept the matter beyond vacation but considering that the execution proceedings were originally filed in the year 2019 but numbered pursuant to the orders of this Court, the matter is being listed in two weeks.

(ABHAY AHUJA, J.)