

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

EXECUTION APPLICATION (L) NO. 2345 OF 2024

Aslam Shaikh

...Applicant

V/s.

Dinesh Shishupal Punia

...Respondent

WITH
INTERIM APPLICATION (L) NO. 9609 OF 2024

Mr. Sarosh Bharucha with Mr. Shrey Fatterpekar, Mr. Ameet Mehta, Mr. Nirav Marjadi, Mrs. Srushti Mehta, Ms. Rebha Dogra, Mr. Aryaman Jagtap, Mr. Kushal Harnesha and Mr. Harsh Vinchhi i/b Solicis Lex, Advocate for the Applicant.

Mr. Hemant P. Ghadigaonkar for Respondent.

CORAM : ABHAY AHUJA, J.
DATE : 3rd JULY, 2024

PC. :

1. Pursuant to the order dated 26th March, 2024, today when the matter is called out, Mr. Ghadigaonkar, learned Counsel appears for the Judgment Debtor and submits that although he had made a statement on instructions of the authorised representative of the Respondent that the Respondent would make payment of decretal dues by 30th June, 2024, his client has not been able to make the payments.

2. As can be seen from the order dated 26th March, 2024, this Court had listed the matter today for compliance only on the basis of the

statement made on behalf of the Respondent. Today the learned Counsel has neither kept the Respondent present in Court nor makes any submission as to how and when the payment should be made. This kind of conduct on the part of the Respondent is not accepted.

3. Mr. Bharucha, therefore, insists on disclosure as well as restraint on the Judgment Debtor in addition to his presence before this Court on the next date.

4. Accordingly, this Court is constrained to pass the following order:-

ORDER

i) Let the Respondent make disclosure on oath in terms of prayer Clause (c), within a period of two weeks. The prayer Clause (c) reads thus:-

“c. That pending the final hearing and disposal of the Execution Application, this Hon’ble Court be pleased to direct Respondent to disclose by way of Affidavit under Order XXI, Rule 41(2) of the Civil Procedure code, 1908 all assets including Bank Accounts, Fixed Deposits, Mutual Funds, Shares, Bonds, Debentures and other investments and movable and immovable properties.”

ii) Until further orders, Respondent is directed not to in any manner whatsoever deal with or dispose of any of his assets, movable or immovable, tangible or intangible.

iii) The Respondent also to remain present in this Court on the next date along with instructions as to how and when he would make payment of the decretal dues along with documents in support thereof.

iv) List on **23rd July, 2024** on the supplementary board.

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2024.07.04
14:50:11
+0530

(ABHAY AHUJA, J.)