

This order is corrected/modified pursuant to Speaking to Minutes of the order dated 4th August 2025.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 3030 OF 2025
IN
EXECUTION APPLICATION (L) NO. 2345 OF 2024

Aslam Shaikh and another ... Applicants

Versus

Dinesh Shishupal Punia ... Respondent

.....

Mr. Shrey Fatterpekar alongwith Mr. Nirav Marjadi, Ms. Avani Rathod, Ms. Srushti Mehta, Ms. Rebha Dogra, Mr. Kushal Harnesha and Ms. Nishita Bhuta instructed by M/s. Solicis Lex, Advocate for the Applicants.

Mr. Hemant Ghadigonkar, Advocate for the Respondent/Judgment Debtor.

.....

CORAM : ABHAY AHUJA, J.

DATE : 29 JULY 2025

P.C. :

1. This matter was kept back in the morning session, as Mr. Ghadigaonkar, learned Counsel for the Respondent was not available.

2. When the matter was called out in the afternoon session, Mr. Fatterpekar, learned Counsel, appearing for the Applicants submits that despite orders of this Court, no payments have come through and as recorded in the orders of this Court, this Court may consider passing

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orders under Order XXI Rule 40 read with Section 51(b) of the Code of Civil Procedure, 1908 for detaining the Respondent/Judgment Debtor in civil prison. Mr. Fatterpekar submits that the pleadings are complete and the Applicants have made out a case for civil detention of the Judgment Debtor.

3. Mr. Ghadigaonkar, learned Counsel, appears for the Respondent/Judgment Debtor and submits that some time be granted to consider the receivables coming to the share of the Judgment Debtor as indicated in paragraphs 5 and 6 of the Affidavit of disclosure dated 16th July 2024. That this Court may permit the Judgment Debtor's Bank to transfer the monies lying in the HDFC Bank (Mr. Dinesh Punia), having Account No. 50100685752839 and COSMOS Bank (Oriental Impex), having Account No.099100103940 into the account of the Applicants.

4. Mr. Fatterpekar has no objection if the monies are transferred to his clients' account, however submitting that the only option left is to detain the Judgment Debtor in civil prison in execution of the decree, which for more than four crores, whereas the amount sought to be transferred is only about 80 lacs.

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5. Mr. Ghadigaonkar also submits that that there is an Interim Application (L) No. 13105 of 2025 that has been taken out by the Judgment Debtor seeking a direction of this Court to intimate the transaction in the matter to the Income Tax Department in view of the decision of the Hon'ble Supreme Court in the case of *The Correspondence, RBANMS Educational Institution vs. B. Gunashekhar & Another*¹. Mr. Ghadigaonkar submits that the said application is not on board, however a copy of the same has already been served upon Mr. Fatterpekar.

6. Having heard the learned Counsel, the following order is passed :

(i) Let the amounts lying in HDFC Bank (Mr. Dinesh Punia), having Account No. 50100685752839 and COSMOS Bank (Oriental Impex), having Account No. 099100103940 of the Respondent/Judgment Debtor be transferred to the account of the Applicants within a period of one week.

(ii) Let Mr. Ghadigaonkar revert, within a period of two weeks, on the receivables by the Judgment Debtor alongwith details, so that the Applicants can take appropriate steps.

1 Civil Appeal No.5200 of 2025 (arising from SLP(C) No.13679 of 2022)

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(iii) List on **25th August 2025 on the Supplementary Board** alongwith the Interim Application (L) No. 13105 of 2025. Let office objections to the said Interim Application be removed and registered number positively be obtained within a period of two weeks, failing which the said Interim Application not to be listed.

(iv) Subject to the above, liberty to file reply within a period of two weeks, with copy to the other side. Rejoinder be filed in a week thereafter, with copy to the other side.

(ABHAY AHUJA, J.)