

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

CHAMBER SUMMONS NO. 749 OF 2015  
IN  
EXECUTION APPLICATION NO. 1243 OF 2015

Kotak Mahindra Bank Limited

...Applicant

**Versus**

Mr. Rakesh Kaluram Mhatre and  
Kaluram Dharma Mhatre

...Respondents

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- Ms. Rahila Memon a/w Ms. Reet Jain for the Applicant.
- Ms. Dharmishta Rathod, Manager, Kotak Mahindra Bank Limited.

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**CORAM : MANISH PITALE, J.**

**DATE : 21<sup>st</sup> APRIL 2025.**

SHRIKANT  
SHRINIVAS  
MALANI

Digitally signed by  
SHRIKANT  
SHRINIVAS MALANI  
Date: 2025.04.22  
13:00:46 +0530

**P. C. :**

1. In these chamber summons, moved in the execution application, the respondents have been served and an affidavit of service is already on record. There is no appearance on behalf of the respondents. In that light, for the present, the learned counsel for the applicant is pressing for ad-interim directions in terms of prayer clauses (b) and (g), which pertain to disclosure affidavits to be filed by the respondents.

2. The respondents have chosen not to appear before this Court despite service. This Court is inclined to grant ad-interim directions as prayed on behalf of the applicant.

3. Accordingly, the respondents are directed to file disclosure affidavits in terms of prayer clauses (b) and (g), which read as follows :

*“(b) that the Respondents above named be required by an order of this Hon’ble Court to file their Affidavit stating particulars of their properties etc., as provided under Order 21 Rule 41 of the Code of Civil Procedure, 1908 since the Decree/Award dated 03<sup>rd</sup> September, 2014 passed by the Learned Arbitral Tribunal has remained unsatisfied for more than 30 days from the date of its passing;*

*(g) that the Respondents be directed to disclose their means on affidavit for satisfying the decree of the Petitioners under execution as per Section 51 of the Code of Civil Procedure;”*

4. Such disclosure affidavits shall be filed on or before 10<sup>th</sup> June 2025.

5. List the Chamber summons alongwith Execution Application for further consideration on 17<sup>th</sup> June 2025, **“High on Board.”**

6. The applicant is at liberty to serve a copy of this order on the respondents and to file an affidavit of service before the next date of listing.

**(MANISH PITALE, J.)**