

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

**INTERIM APPLICATION (L) NO.13788 OF 2024
IN
COMMERCIAL EXECUTION APPLICATION (L) NO.29064 OF 2021**

NIRMAL BANG COMMODITIES PVT. LTD.)...APPLICANT

V/s.

SADASHIV HOLDINGS PVT. LTD AND OTHERS)...RESPONDENTS

Mr.Gautam Ankhad, Senior Advocate a/w Mr. Abhineet Sharma,
Mr.Kandarp Trivedi i/b RHP Partners, Advocate for the Applicant.

None for the Respondents.

CORAM : ABHAY AHUJA, J.

DATE : 2nd DECEMBER 2024

PC. :

1. Pursuant to earlier orders of this Court ending with order dated 17th October 2024, today when the matter is called out, Mr.Gautam Ankhad, learned Senior Counsel, appears for the Applicant and submits that the order directing disclosure has been attempted to be served upon all the Respondents, however, as far as the Respondents no.1, 4 and 5 are concerned, the packets have been returned with the remark 'no such person at the address'. Mr.Ankhad also submits that as far as the Respondents no.2 and 3 are concerned, the packets have been refused, and that, therefore, the same is deemed to be good service.

Mr. Ankhad submits that while the Applicant is in the process of ascertaining if any fresh address of the Respondents no.1, 4 and 5 is available, this Court may issue bailable warrants against the Respondents no.2 and 3, so that their presence can be secured in the Court for their oral examination.

2. Having heard the learned Senior Counsel and having considered the submissions, this Court is of the view that before any warrants can be issued, it would be appropriate to issue show cause notice under Order 21 Rule 37 of the Code of Civil Procedure, 1908 ("CPC") against the Respondent no.2.

3. Accordingly, Registry is directed to issue a show cause notice under Order 21 Rule 37 of the CPC directing the Respondent no.2 to remain present in Court on the next date and to show cause as to why he should not be committed to civil prison. The Applicant to assist the Registry in serving the said notice.

4. List on **6th January 2025**.

(ABHAY AHUJA, J.)