

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

**EXECUTION APPLICATION NO. 1741 OF 2022
WITH
INTERIM APPLICATION NO. 2491 OF 2025
IN
EXECUTION APPLICATION NO. 1741 OF 2022**

Sunil Shantilal Gosar & anr. ..Applicants

Versus

Yash Builders & anr. ..Respondents

Mr. Shlok Parekh a/w. Ms. Kinjal Kakkad i/b. Mr. Jayesh R. Vyas,
Advocates, for the Applicants

Mr. Tejas Vijaykumar Dhotre i/b. Ms. Deepali Kedar, Advocates, for the
Judgment Debtor

Mr. Mihir Karia i/b. Ms. Vaishali Bhilare, Advocates, for Respondent
Nos. 11 & 12

Ms. Pooja Yadav, Advocate, for the MCGM in I.A.(L) No. 13979 of 2025

CORAM : RAJESH S. PATIL, J.

DATE : 16.04.2026

P. C.

1. Mr. Dhotre, learned Counsel for the Judgment Debtor submits that Mr. Ajay Bhise, Advocate who has been appearing in the present proceeding has gone to Pune. Therefore, he is unable to attend the Court today.

2. Insofar as presence of the Judgment Debtor in Court is concerned, he is unwell and hence, he is unable to attend the Court today.

3. Mr. Parekh, learned Counsel for the Decree Holder submits that by an Order dated **11.01.2023**, the Judgment Debtor was directed to remain present in Court on each and every date of hearing of this proceeding. He further submits that warrant may not be issued against the Judgment Debtor in order to secure his presence as apart from his absence insofar as construction of the said building is concerned, on 20.02.2026, the Judgment Debtor had mentioned that construction of the building is completed up to the fifth floor and for further construction, his client will apply for Commencement Certificate to the Corporation within two weeks. He submits that such Application is not preferred to the Corporation and finishing work of the said building up to the fifth floor is still incomplete. Insofar as claim of the excess amount of the property tax made by the Judgment Debtor is concerned, he was directed to take steps for preferring an Application to the Corporation for refund of the excess amount paid, if any and the Corporation is directed to hear him including flat owners of the said building. I understand that such Application is not preferred by the Judgment Debtor to the Corporation.

4. In such circumstances, I am satisfied that a case is made out to issue bailable warrant against the Judgment Debtor.

5. Issue bailable warrant against the Judgment Debtor No. 2 – Mr. Paras Sunderji Dedhia in the sum of **Rs.50,000/-** returnable on **07.05.2026**.

6. The Applicants to assist the Registry and furnish details of the concerned Police Station for the execution of the bailable warrant. The Senior Police Inspector of the concerned Police Station to have the said bailable warrant executed and secure the presence of the Respondent No. 2 on the next date.

(RAJESH S. PATIL, J.)