

*Kavita S.J.*

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

COMMERCIAL EXECUTION APPLICATION NO.66 OF 2023

Vivriti Capital Ltd.

...Applicant/  
Decree Holder

*Versus*

Bell Finvest India Ltd. & Ors.,

...Respondents/  
Judgment Debtors

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Mr. Ziyad Madon a/w Ms. Benedicta Lobo and Ms. Vijaya Gupta i/b  
Katariya and Associates for the the Decree Holder and for Applicant  
in IA 3415/2023.

Mr. Ansh Karnavat with Mr. Vinit Mehta for the Respondents /  
Judgment Debtors and for the Applicant in IA (L) No.33895 of 2024.

Mr. D.S. Choudhari, Deputy Sheriff present.

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CORAM : R.I. CHAGLA, J.

DATED : 2nd MAY, 2025.

ORDER :

1. Mr. Ziyad Madon, learned Counsel appearing for the  
Applicant/Decree Holder has tendered Additional Affidavit in  
Support of Execution Application (“**Affidavit**”) dated 1<sup>st</sup> May, 2025  
and also tendered Affidavit-in-Rejoinder dated 28<sup>th</sup> March, 2025 to  
the Affidavit-in-Reply filed by Respondent Nos.1 dated 12<sup>th</sup> March,

KAVITA  
SUSHIL  
JADHAV

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by KAVITA  
SUSHIL JADHAV  
Date: 2025.05.05  
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2025 to the Sheriff's Report dated 12<sup>th</sup> March, 2025 which are taken on record.

2. In the Affidavit dated 1<sup>st</sup> May, 2025, in Paragraph 14, it is stated that the Respondents are fully aware of proceedings but have deliberately failed to disclose the alleged tenancy rights in respect of the subject property upto March, 2025. It appears to be part of dilatory tactics to delay and frustrate the execution proceedings. Further, it is stated that in case of Respondents are in fact the tenants as alleged, then the Applicant is entitled to attach the sale of the tenancy rights of the Respondents in the present execution proceedings.

3. Mr. Madon has clarified that the Applicant is accepting the case of the Respondents that they are tenants in respect of the said property and accordingly has sought for amendment of Column "J" of the Execution Application for the purpose of attachment of sale of the tenancy rights of the Respondents in the above Commercial Execution Application.

4. Accordingly, the Applicant/Decree Holder is permitted to carry out amendment in the above Commercial Execution Application

No.66 of 2023 in terms of Draft Amendment which is tendered and taken on record and marked 'X' for identification.

5. The amendment shall be carried out within a period of two weeks from today. Re-verification is dispensed with.

6. The learned Counsel appearing for the Respondents has tendered Affidavit of disclosure for Respondent No.1 dated 28<sup>th</sup> March, 2025, which is taken on record.

7. The Commercial Execution Application shall be placed on 13<sup>th</sup> June, 2025.

[ R.I. CHAGLA, J. ]