

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

INTERIM APPLICATION (L) NO. 21323 OF 2022
IN
COMMERCIAL EXECUTION APPLICATION (L) NO.
15497 OF 2022

(This order is corrected as per speaking to the minutes of the order dated 6/7/2023)

Standard Chartered Bank

...Applicant/
Decree Holder

Vs.

Prem Naraindas Amarnani & Ors.

...Respondents/
Judgment Debtors

Mr. Karl Tamboly, Mr. Cyrys Jal, Mr. Yohaann L. i/b. JSA
Advocates, for the Applicant.

CORAM : MANISH PITALE, J.
DATE : 3 JULY 2023

P.C.

. The learned counsel appearing for the execution applicant (decree holder) submits that an affidavit of service has been filed. It is not on record. Office to verify.

2. In any case, the copy of the affidavit of service which is tendered to this Court shows that attempts were made to serve the judgment debtors on their address in Mumbai but they could not be served and eventually, judgment debtors were served by

way of email.

3. The learned counsel appearing for the applicant invited attention of this Court to an order of the Dubai Court of First Instance at Exh.C, whereby the judgment debtors (respondents) have been directed to jointly pay a specific amount to the applicant. It is further submitted that when execution of the said order was attempted at Dubai and service report was called for, it was found that the respondents do not have any properties at Dubai.

4. The learned counsel for the applicant has further invited attention of this Court to Exh.C of the interim application, which is note on title, to indicate that the respondents herein do have immovable properties in their name within the jurisdiction of this Court.

5. It is submitted that in this backdrop, this Court may consider granting ad-interim reliefs in the present application.

6. The learned counsel for the applicant has also invited attention of this Court to the notification dated 17/1/2020 issued by the Ministry of Law and Justice, which states that the Courts at Dubai are declared by the Central Government under the relevant provisions of the Civil Procedure Code, 1908, as Courts of a reciprocating territory. On this basis, execution of the said order of the Courts at Dubai is sought before this Court.

7. This Court is convinced that, for the present, ad-interim directions as per prayer clauses (a), (b) and (c) can be granted.

8. Hence, there shall be ad-interim order in terms of prayer clauses (a), (b) and (c), which read as follows:

(a) Direct the Respondents to disclose on oath any and all of their movable and immovable properties and/or assets, including tax returns (including disclosures in India or anywhere in the world), bank accounts, lockers held by them in India or anywhere in the world, including jointly held properties as of January 30, 2012 (i.e. the date of the personal guarantees);

(b) Direct the Respondents to disclose on oath their movable and immovable properties / assets, including tax returns (including disclosures in India and / or anywhere in the world), bank accounts, lockers owned by them in India or anywhere in the world, including jointly held properties as on July 4, 2022;

(c) Direct the Respondents to disclose on oath their interest in “Narayan Dhan” alongwith the latest status of development;

9. List the application for further consideration on 11/8/2023.
10. The applicant is at liberty to serve the order passed today on the respondents by way of private service, including by email.

MANISH PITALE, J.