

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

INTERIM APPLICATION (L) NO. 22325 OF 2021
IN
EXECUTION APPLICATION (L) NO. 22320 OF 2021

Aditya Birla Finance Limited .. Applicant/Petitioner
v/s.
Rajendra C. Shirodkar .. Respondent

Ms. Juhi Bhogale a/w Shrutika S. Kawle i/b GNP Legal for the Applicant/
Petitioner.

CORAM : A. K. MENON, J.
DATED : 9TH DECEMBER, 2021.

P.C. :

1. This Interim Application seeks *inter alia* deposit of the amount of the award and disclosures as directed to the respondent to disclose on affidavit means of satisfying the decree and his assets.
2. Today, the learned Counsel for the applicant seeks relief in terms of prayer clause (b) and (d). She states that all attempts to serve the respondent has failed, so far. She has relied on the affidavit of service dated 8th December, 2021 enclosing the copies of returned postal packets and tracking report issued by the Postal department. As directed

by the Court, she has once again attempted to serve the respondent personally at his residential address. Today, she seeks permission to file affidavit of service dated 9th December, 2021, in which, she states that when the clerk from the Advocate's Office visited the premises, the respondent was not found, but the respondent's mother, who was present, declined to accept the service and stated that respondent would not accept the service. No further details were made available. In view of the resistance put up by the respondent, I am of the view that it will be necessary to allow the Interim Application partially. Hence, I pass the following order;

- (i) Interim Application is allowed in terms of prayer clause (b) and (d).
- (ii) In addition, the Parel Shivneri Co-operative Housing Society, Worli, Mumbai, shall disclose the name of the owner of flat No. A-607 and to confirm the status of the occupants.
- (iii) The disclosure shall be made by the Secretary of the society by addressing a letter to the Advocate for the applicant.
- (iv) The respondent shall comply with this order of disclosure within two weeks of service of this notice by all possible means of service including by e-mail and in addition via WhatsApp at the number available with the applicant.

(v) The affidavit of service to be filed within two weeks from today.

3. Liberty to apply in the event respondent does not comply.

(A. K. MENON, J.)