

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

INTERIM APPLICATION NO. 4985 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 97 OF 2025

GAURAV KAPUR)...APPLICANT

IN THE MATTER BETWEEN

GAURAV KAPUR)...APPLICANT

V/s.

JOY KAPUR AND OTHERS)...RESPONDENTS

Mr.Dhaval Patil i/by M/s.K. Ashar & Co., Advocate for the Applicant.

Mr.Yash Jain, Advocate for the Respondents no.1 and 2.

Ms.Aneesa Cheema a/w. Ms.Shreema Doshi and Ms.Sharanya Mahimtura i/by Lexicon Law Partners, Advocate for the Respondent no.3.

CORAM : ABHAY AHUJA, J.

DATE : 14th OCTOBER 2025

PC. :

1. This Interim Application seeks assistance in enforcement of the arbitral award dated 4th August 2023 read with additional award dated 27th September 2023.

2. Mr.Dhaval Patil, learned Counsel, appears for the Applicant and submits that despite the award and lapse of considerable time, the

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Respondents have failed and neglected to make payment under the said award, which is over Rs.15,00,00,000/-. Mr.Patil, accordingly, submits that since no payment has come through, this Court may direct disclosures in terms of prayer clause (a) which reads thus :

“(a) That pending the hearing and final disposal of the present Execution Application, this Hon'ble Court be pleased to direct the Respondents to make a full and complete disclosure on oath of all their assets, including but not limited to all movable and immovable properties, debts, receivables, dues, bank accounts (with account numbers and balances) and any other amounts owed to the Respondents/Judgment Debtors.”

3. Mr.Yash Jain, learned Counsel, appears for the Respondents no.1 and 2 and submits that the order is not against the said Respondents but only against the Respondent no.3. Mr.Jain also submits that he has not even been made a party to the Execution Application.

4. Ms.Cheema, learned Counsel, appears for the Respondent no.3 and submits that she has no objection if disclosures in terms of prayer clause (a) is granted, however, submitting that in the Schedule to the Execution Application, there are properties which have been included which do not even belong to the Respondent no.3. Ms.Cheema also seeks to file a reply to the Interim Application.

5. Mr.Patil submits that the Respondents no.1 and 2 are the Directors and Promoters of the Respondent no.3.

6. Having heard the learned Counsel and having considered the submissions, the following order is passed :

ORDER

- (i) Let affidavits of disclosure on oath in terms of the prayer clause
(a) be filed by the Managing Directors/Directors of the Respondent no.3 within a period of four weeks with a copy to the other side.
- (ii) Let reply, if any, be filed within a period of three weeks with a copy to the other side.
- (iii) Rejoinder be filed in three weeks thereafter, with a copy to the other side.

7. List on **2nd December 2025**.

(ABHAY AHUJA, J.)