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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.2063 OF 2011

IN

EXECUTION APPLICATION (L) NO.1523 OF 2011

IN

ARBITRATION PETITION NO.89OF 2010

L and T Finance Ltd. ..Applicant.

V/s.

M/s. K.Ravi Kumar Earth Works & Anr. ..Respondents.

Ms. S.I.Joshi i/b. M/s. S.I. Joshi & Co. for Applicant.

None for the Respondents.

CORAM : A.K. MENON, J.**DATED : 30TH JUNE, 2015****P.C. :-**

The above Chamber Summons is taken out on 2nd December, 2011 against the Respondents directing them to deposit the decretal amount, to disclose their assets and for detaining them in Civil Prison and for any other ancillary reliefs. However, till date, this Chamber Summons is not served. There is no explanation forthcoming or any reasons as to why the Chamber Summons are not served. In order dated 20th June, 2014, this Court passed an order and granted the Chamber Summons in terms of prayer clauses (b) and (g). Although there was no proof of service of Chamber Summons, an undertaking was given by learned counsel for the Applicant that she would serve the order dated 20th



June, 2014 upon the Respondents. However, till date there is no affidavit of service of the Chamber Summons, equally there is no proof of service of the order dated 20th June, 2014. In the circumstances, it appears that the Applicants are unable to serve the Respondents. It appears that the Applicants are not interested in pursuing this application. Learned counsel for the Applicants seeks leave to take out appropriate proceedings if and when the whereabouts of the Respondents are obtained. Liberty to the Applicants to take out proceedings for the execution of the decree, if they are so advised.

2. Meanwhile, the order dated 20th June, 2014 is liable to be vacated and accordingly, it is vacated. The Chamber summons is disposed of accordingly. No order as to costs.

(A.K. MENON, J.)