

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

**INTERIM APPLICATION (L) NO.34217 OF 2023
IN
COMMERCIAL SUMMARY SUIT (L) NO.32928 OF 2023
WITH
COMMERCIAL SUMMARY SUIT (L) NO.32928 OF 2023**

Nagendra Ganapati Kini ... Plaintiff/Applicant
Vs.
Ashesh Mehta ... Defendant/Respondent

Mr. Nihar Chitre with Ms. Archana Yadav i/by Mr. H. R. Sharma,
Advocates for the Plaintiff/Applicant.
None for the Defendant/Respondent.

**CORAM : ABHAY AHUJA, J.
DATE : 29 JANUARY, 2024.**

PC. :

1. Mr. Nihar Chitre, learned counsel appears for the Plaintiff/Applicant and seeks some more time to remove office objections and thereafter, to serve writ of summons and plaint. Learned counsel submits that the Interim Application has been served upon the Defendant who is in jail through the Jailor on 24th January, 2024 and an affidavit of service in this regard has also been filed. A perusal of the same indicates that the Defendant has received agreement, copies of bank account

statement, copies of all invoices/payment receipts and copy of ledger statement but does not indicate that the Interim Application has been received.

2. Let the Interim Application alongwith all the Exhibits be once again served upon the Defendant and an appropriate affidavit of service be filed by the next date.

3. It is noted from the Interim Application that Plaintiff is seeking disclosure of assets from the Defendant in addition to the restraint on those assets as well as on the bank account mentioned therein in addition to the restraint on creating third party rights with respect to the assets. The same can only be considered once the Interim Application is served upon the Defendant.

4. Accordingly, list on 26th February, 2024.

(ABHAY AHUJA, J.)