

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL EXECUTION APPLICATION NO. 150 OF 2025
A1 Tasnim Cement Products LLC ... Applicant
Versus
Simplex Infrastructure LLC ... Respondent
WITH
NOTICE NO. 84 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 150 OF 2025

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Ms. Shaista Pathan, Parnter of YNA Legal alongwith Mr. Shahbazkhan Sandi, Advocate for the Applicant.
None for the Respondent.

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CORAM : ABHAY AHUJA, J.
DATE : 12 DECEMBER 2025

P.C. :

1. This matter was kept back in the morning session as after perusal of the report of the Prothonotary & Senior Master dated 11th December 2025 which has clearly recorded in paragraph 2 that the Advocate for the Applicant has raised false and frivolous grievance against the Registry, this Court had put it to the Advocate appearing as to why he had then made that false grievance against the Registry and since the learned Advocate was remorseless and had nothing to say

except casually apologize, this Court had kept back the matter directing the presence of a partner of the law firm that had filed the vakalatnama.

2. In the afternoon session when the matter is called out, Ms. Pathan, partner of YNA Legal appears and profusely apologizes on behalf of the Advocate who appeared in the morning and also apologized for the grievance that had been raised against the Registry which is demonstrably false.

3. Ms. Pathan urges this Court to take a lenient view in the matter with an assurance that such submissions would not be made in the future and undertakes to sufficiently train the concerned Advocate, who had made submissions before this Court on 8th December 2025 as well as this morning.

4. The submissions and the apology and the request and the undertaking of Ms. Pathan, partner of YNA Legal is accepted.

5. Ms. Pathan further submits that this Court may either extend the returnable date of the notice under Order XXI Rule 22 of the Code of Civil Procedure, 1908 (the “CPC”) or direct issuance of fresh notice.

6. As has been recorded in paragraph 3 of the order dated 8th December 2025 that notice was directed to be issued by order dated 1st September 2023 and until 14th December 2023 the same could not be

served and extension of returnable date was sought until then. In paragraph 5 of the report of the Prothonotary & Senior Master, it has been recorded that the Applicant has not taken any steps to extend the returnable date of the notice issued under Order XXI Rule 22 of the CPC and therefore the Registry was unable to forward the said expired notice to the Sheriff of Bombay for the purpose of service.

7. Accordingly, only and only as and by way of last chance, the returnable date with respect to the notice under Order XXI Rule 22 of the CPC is extended till 30th January 2026.

8. The Applicant to provide all necessary assistance to the Registry as well as to the Sheriff and the Bailiff from the Sheriff's office for execution of the said notice. In the event there is any lapse on the part of the Applicant this Court will dismiss the Execution Application alongwith the Notice.

9. List on **30th January 2026.**

(ABHAY AHUJA, J.)