

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

INTERIM APPLICATION NO. 203 OF 2026

IN

COMMERCIAL EXECUTION APPLICATION NO. 5 OF 2026

Abu Dhabi Commercial Bank PJSC

...Applicant

V/s.

Surinder Singh Gouri

...Respondent

Mr. Vishal Kanade with Ms. Sushmita Gandhi, Ms. Vatsala Pant, Ms. Sanaya Patel and Mr. Kushal Boolchandani i/b Trilegal for the Applicant.

CORAM : ABHAY AHUJA, J.

DATE : 15th APRIL, 2026

P.C. :

1. Mr. Kanade, learned Counsel appears for the Execution Applicant and submits that the Applicant is seeking execution of a foreign award dated 26th September, 2018 of Rs. 73.76 Crs (approximately) with interest at the rate of 9% till payment and/or realisation.
2. Mr. Kanade submits that the certificate under Section 44-A of the Code of Civil Procedure, 1908 (the "CPC") has been obtained on 29th November, 2024. That despite service of the proceedings, the Judgment Debtors who reside in Mumbai and have properties in Mumbai have not appeared. Mr. Kanade submits that despite outstanding dues payable to the Applicant since the Respondents No. 1 and 2 are not appearing, there is an apprehension that the said Respondents may alienate their assets movable and immovable and the entire execution

may get defeated. That, therefore, this Court may dispense with the requirement of issuance of the Notice under Order XXI Rule 22 of the CPC.

3. The execution proceedings have been filed in November, 2025 and the final judgment in respect whereof the execution is sought is dated 26th September, 2018. The Section 44-A Certificate is dated 29th November, 2014. Under Order XXI Rule 22 of the CPC, where an application for execution is made more than two years after the date of the decree or where an application is made for execution of a decree filed under the provisions of Section 44-A of the CPC, the Court executing the decree is required to issue a Notice to the person against whom the execution is applied for requiring him to show cause on a date to be fixed as to why the decree should not be executed against him.

4. Order XXI Rule 22(2) of the CPC, however, provides that nothing shall preclude the executing Court from issuing any process in execution of a decree without issuing the aforesaid notice, if for reasons to be recorded, it considers that issuance of such notice would cause unreasonable delay or would defeat the ends of justice.

5. While it is appreciated that despite service of the proceedings none of the Respondents had appeared and there is also an

apprehension expressed that upon becoming aware of the Execution Application, the Respondents No. 1 and 2 may alienate their assets, I am of the view that no compelling case has been made out for dispensation of the said notice as in any event the Respondents have been served with the Execution Application as well as the Interim Application on 26th December, 2025 as well as on 19th January, 2026 and there is no case made out that the execution would be delayed or issuance of notice would cause unreasonable delay or that the judgment under execution or the ends of justice would be defeated. Therefore, the prayer to dispense with the notice under Order XXI Rule 22 of the CPC cannot be granted.

6. Accordingly, issue notice under Order XXI Rule 22 of the CPC, returnable on 1st July, 2026.

7. List on **1st July, 2026.**

8. In the meanwhile, till the next date the Respondents No. 1 and 2 not to in any manner whatsoever deal with or dispose of any of their assets movable or immovable, tangible or intangible, including the assets listed at Schedule A of the Execution Application.