

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.4750 OF 2015**

The Manager, Oriental Insurance Company Ltd.] ... Petitioner

Versus

Kamlesh Jayantilal Jain and Ors. ] ... Respondents

Mr. A. S. Khandeparkar with Mr. Vikas Warekar for Petitioner.  
Mr. Ramesh Jain for Respondent No.2.

**CORAM :- M. S. SONAK, J.**  
**DATE :- MAY 08, 2015**

**P. C. :-**

1. The learned Counsel for Petitioner seeks leave to delete Respondent Nos.2, 3 and 4 who according to him, are not necessary party for the purposes of this petition. Leave granted. Amendment to be carried out forthwith.

2. Upon hearing the learned Counsel for parties, this petition can be disposed of in the following terms. :-

(a) The impugned order dated 25/04/2015, by which execution has been levied against the properties of the Petitioner, is hereby set aside.

(b) The aforesaid is on the basis of Petitioner's undertaking to pay an amount of Rs.32,400/- with the City Civil Court within a period of two weeks from today and further undertaking that Petitioners will comply with order dated 13/04/2013 passed by the City Civil Court in Execution Application No.87 of 2006 in Summary Suit No.6123 of 2004, insofar as the balance period is concerned.

3. The aforesaid order, is made in the circumstance that the Petitioner has no serious challenge qua the order dated 13/02/2013 which is basically a garnishee order. For some reasons which have been justified by the Petitioner, there was no compliance with the said order. Upon deposit of the amount of Rs.32,400/- as aforesaid, there would be substantial compliance with the said order. In such circumstances, there is no necessity for the attachment to continue.

4. Rule is accordingly made absolute to the aforesaid terms. There shall be no order as to costs.

5. All concerned to act on basis of authenticated copy of this order.

**(M. S. SONAK, J.)**