

AWD.6/3/2006(15)

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

**CHAMBER SUMMONS NO. 431 OF 2010
IN
EXECUTION APPLICATION (L) NO. 178 OF 2007
IN
AWARD DATED 6TH MARCH, 2006**

M/s. Dilsa Distributors	...Claimant
Vs.	
M/s 4U2C Films	...Respondents
And	
Kushaljit Singh Juneja	...Applicant

Mr. A.K.Saxena with Ms. Madhavi Patil, Advocates for the Claimant
Mr. Anand Mishtra i/b. Mr. A.M. Sarogi, Advocate for the Applicant

**CORAM : MRS. ROSHAN DALVI, J.
DATED :14TH JANUARY, 2015**

P.C. :

1. This chamber summons is for relieving the applicant from the solemn undertaking given to the Court. The applicant is the father of the respondent / award debtor. The respondent failed to honour the award. Execution application was taken out.
2. His father, the applicant herein, gave the undertaking to Court to honour the award by payment of installments. The applicant failed to honour his own undertaking. He only paid the first installment of Rs. 5 lakhs. He failed and neglected to pay all the remaining installments. The post dated cheques remained at that.

3. He has applied to relieve himself of the undertaking setting out the facts and how he was required to comply. He claims to have entered into an oral agreement. The oral agreement stated by him cannot be accepted.
4. The undertaking has to be complied. It is not complied. For the breach the plaintiff would be required to execute the award or take out proceedings upon the breach.
5. This application is completely without bonafides.
6. The application is dismissed with costs of Rs. 10,000.-

(ROSHAN DALVI, J.)