

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL (LODGING) NO.275 OF 2015
IN
CHAMBER SUMMONS NO.462 OF 2013
IN
EXECUTION APPLICATION (LODGING) NO.338 OF 2013
IN
ARBITRATION NO. 635 OF 2012**

Rajendra K. Mohanty ... Appellant
Versus
L & T Finance Ltd. and another. ... Respondents

Mr. Rohan J. Cama with Mr. Gobinda C. Mohanty and Mr. K.C. Prusty i/b M/s. Mohanty & Associates for the appellant.
Mr. Anand Poojary with Ms. Shakuntala Joshi and Ms. Nikita Pawar i/by M/s. S.I. Joshi & Co. for the respondents.

**CORAM : MOHIT S. SHAH, C.J. &
G.S. KULKARNI, J.
March 19, 2015**

P.C.

The learned counsel for the respondent L & T Finance Ltd. states that the respondent L & T Finance Ltd. has received on 18 March 2015 four vehicles in question which were hypothecated with respondent No.1. The appellant has also filed affidavit dated 18 March 2015 which read together with the undertaking filed today, according to the learned counsel for the appellant, meets with the requirements of the orders passed by the Executing Court regarding the affidavit of disclosure. The appellant has undertaken to furnish statement of bank account (particulars given in para 1 of the undertaking) and also the original R.C.

Books of the four vehicles to respondent No.1 company within one week from today. The appellant has also undertaken to give copies of the property documents in respect of the property referred to in para 2 of the undertaking. The undertakings, given by the appellant in the affidavit filed today, are accepted.

2. The learned counsel for the appellant also undertakes that the appellant shall remain personally present before the Executing Court as and when required.

3. In view of the above, we are of the view that there is no justification to continue the appellant in the police custody. Hence, it is directed that the appellant shall be released from the police custody forthwith.

4. The appeal is accordingly disposed of in the above terms.

Parties and all concerned to act on an authenticated copy of this order.

CHIEF JUSTICE

G.S. KULKARNI, J.