

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.839 OF 2013

IN

EXECUTION APPLICATION (L) NO.1089 OF 2013

IN

ARBITRATION NO. LOS/EFD/ARB/199 OF 2011

L & T Finance Ltd. ... Applicant
(Org.Plaintiffs)

In the Matter Between

L & T Finance Ltd. ... Plaintiff

Versus

Mr. Abhishek s/o Subodh Kumar and Anr. ... Defendants

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Ms. Nikita Pawar a/w Ms. Bijal Vora i/b M/s. S.I. Joshi & Co. for
the applicant / plaintiff.

None present for the defendants.

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CORAM : A.K. MENON, J.

DATE : AUGUST 27, 2015.

P.C.:

Learned counsel for the applicant points out that in the order dated 1st July 2015, prayer clauses are incorrectly recorded as prayer clauses (a) & (g) of the Chamber Summons. In fact, the prayer intended to be granted are prayer clauses (b) and (g). Learned counsel submits that it is incorrectly recorded that there is already an order in terms of prayer clauses (a) and (g) to the

Chamber Summons. Today, she points out that, in fact, there was no order in terms of prayer clauses (a) & (g) passed at the earlier stage. She further points out that a reference is made in the said order to the effect that the salary account of defendant No.1 has also been attached. According to her, this is incorrect. Learned counsel for the applicant also seeks permission to withdraw the Chamber Summons as against defendant No.2 with liberty to take out a fresh Chamber Summons upon ascertaining the whereabouts of the Defendant No.2. Accordingly, order dated 1st July 2015 stands corrected and substituted with the following order:

- (i) Chamber Summons allowed in terms of prayer clauses (b) and (g).
- (ii) The plaintiff is directed to serve defendant No.1 and file an affidavit of service on or before 15th October 2015.
- (iii) Chamber Summons is allowed to be withdrawn as against defendant No.2 with liberty as prayed.

(A.K. MENON, J.)