

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 626 OF 2015
IN
APPEAL NO. 698 OF 2014
IN
SUMMARY SUIT NO. 1354 OF 2010**

Alan C.W. Tang .. Appellant
V/s
Jayesh Patel & Anr. .. Respondents

**WITH
NOTICE OF MOTION (L) NO. 2908 OF 2014
IN
APPEAL NO. 698 OF 2014
IN
SUMMARY SUIT NO. 1354 OF 2010**

Alan C.W. Tang .. Appellant
V/s
Jayesh Patel & Anr. .. Respondents

Mr. A.K. Padhi i/b Padhy & Co. for the appellant.
Ms. Mansha Khemka with Ms. Shipraa Tanna and Ms. Bhagyashree
Upadhyay i/b Khemka & Associates for respondent no.2 (ori.
Defendant).

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 20th OCTOBER 2016

P.C.:

We have gone through the notices of motion. According to us, one of the notices of motion is for stay of the execution proceedings and the question of condoning the delay in filing the notice of motion is not a procedure contemplated to the best of our knowledge. However, it could be a method to stall the execution proceedings before the lower Court. If the appellant's contention that he is a trustee to recover the money from the defendant who was declared bankrupt on account of insolvency proceedings in Honk Kong, we fail to understand why the appellant wants the stay of the execution proceedings. If by virtue of any order which is binding on both the parties, i.e. plaintiff and defendant, who are now decree holder and judgment debtor, the appellant is at liberty to approach the executing Court as an objector and seek relief as an independent party if he is entitled to any relief. Therefore, the notices of motion are dismissed.

(M.S. SONAK, J.)

CHIEF JUSTICE