

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

**CHAMBER SUMMONS NO.853 OF 2016
WITH
CHAMBER SUMMONS NO.1158 OF 2015
WITH
CHAMBER SUMMONS NO.1248 OF 2015
WITH
CHAMBER SUMMONS (L) NO.1533 OF 2015
IN
EXECUTION APPLICATION NO.1271 OF 2015
IN
SUMMARY SUIT NO.334 OF 2012**

Sailam B.V.B.A.

....Plaintiff

V/s.

M/s. Helious Jewellery Pvt. Ltd. & Ors.

....Defendants

Mr. Archit Jayakar a/w. Mr. Nikhil Wable & Ms/ Juhi Valia i/b. Jayakar & Partners for the applicant/plaintiff.

Mr. R.M. Nakhawa i/b. V.D. Dhavan for the applicant in CHS/1248/2015.

Mr. S.K. Dubey for the defendant nos.2,3,4,5 and for the applicant in CHS/1086/2015 & CHS/1088/2016.

Ms. Rishika Rajadhyaksh a/w. Ms. Taruna Jaiswal i/b. Yashpal M. Jain for the applicant in CHSL/1533/2015.

Respondent nos.2 to 5 are present in person.

CORAM : K.R.SHRIRAM,J

DATE : 4th MAY, 2016

P.C.:-

1 Further to the order dated 27th April, 2016 the respondent nos.2,3,4 and 5 are present in court and their advocate Mr. Dubey identified each one of them. Mr. Dubey states that the respondent nos.2,3,4 and 5 have filed an affidavit allegedly in compliance with

the order of this court. As regards respondent no.1, there is no affidavit and Mr. Dubey, on instructions from respondent nos.2 and 3, who state that they are the only directors of respondent no.1 undertakes to file affidavit within two weeks from today.

2 I have considered the affidavit filed by respondent nos.2,3,4 and 5. As the residential addresses of the respondents are not mentioned therein, Mr. Dubey, on instructions from all these respondents has given the residential address as under :-

*“61/A, 6th Floor, Tahnee Heights Building No.D,
Petit Hall, 66 , Nepean Sea Road, Mumbai – 400 036.”*

3 Considered the affidavits. Put bluntly it is a mockery of the court and it is quite obvious that the respondent nos.2,3,4 and 5 have deliberately suppressed the details which are required to be filed.

4 The respondent nos.2,3,4 and 5 are given one last opportunity of two weeks to file and serve detailed affidavits annexing copies of their, pan cards and annual returns for the last three financial years alongwith all particulars as required under Form 16(A) and the same should be duly certified by their Chartered Accountant as true copy. In the further affidavits to be filed by the respondent

nos.2,3,4 and 5, the respondents also to disclose the properties that stood in their name in the year 2012 and the current status of those properties. If any of the property have been sold or mortgage is created, documents in support thereof shall also be annexed to the affidavits.

5 Should the plaintiff wish to file affidavit for dealing with these further affidavits to be filed by the respondents, the plaintiff may do so within two weeks of receiving copies of the affidavits.

6 Infact for the first time the respondents were asked to disclose their assets was by an order dated 1st October, 2015. Then again on 8th October, 2015 and 23rd December, 2015. On 22nd March, 2016 the matter was stood over to 23rd March, 2016 and again on 16th April, 2016 and 27th April, 2016 time was granted. In view of the failure of respondent nos.2,3,4 and 5 to file proper affidavit of disclosure, the matter cannot proceed even today. Therefore, the respondent nos.2,3,4 and 5 to pay a sum of Rs.25,000/-each as cost to the applicant within two weeks from today. This amount to be paid by way of cheque drawn in favour of the advocate on record for the applicant.

7 Stand over to 15th June, 2016 on which date the respondent nos.2,3,4 and 5 shall remain present in court.

CHS/1248/2015

1 This chamber summons is taken out for quashing and setting aside the warrant of attachment as regards 4th Floor, Vakil Building, Room No.2, 1, Avantibai Gokhale Marg, Opera House, Mumbai – 400 004.

2 Mr. Jayakar, counsel for the plaintiff after considering the documents filed by the applicant in fairness submitted that this chamber summons can be allowed.

3 In the circumstances, the chamber summons is allowed and disposed of in terms of prayer clause -(a). The warrant of attachment stands lifted.

(K.R.SHRIRAM,J)