

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

NOTICE NO.728 OF 2017
IN
COMMERCIAL EXECUTION APPLICATION NO.35 OF 2017

Walter Bau – AG (IL) ..Plaintiff
-Versus-
Municipal Corporation of Gr. Bombay ..Defendant

Mr. Javed Gaya with vidya Chaudhari i/b. Chambers of Javed Gaya
for the applicant/ plaintiff
Mr. R.U.Shirsikar for BMC

CORAM : K.K.TATED, J.

DATE : 20th November 2017.

P.C.

1] Heard learned Counsel for parties. This notice is preferred by the claimants under Order XXI Rule 22 for permission to proceed with the execution application to execute the award dated 6th August 2013 and additional majority award dated 23rd October 2013. Learned Counsel for claimants submits that there was delay on their part to lodge the execution application i.e. beyond two years and hence they have preferred this notice.

2] Learned Counsel, Mr. Shirsikar appearing for Municipal Corporation vehemently opposed grant of this notice.

3] From the submissions and averments made in the execution application, I am satisfied that the claimants have made out a case for allowing this notice. Hence, following order:-

(I) Notice under Order XXI Rule 22 of Code of Civil Procedure, 1908 as preferred by the claimant is made absolute.

(II) The applicant is permitted to proceed with the execution application to execute the award dated 6th August 2013 and additional majority award dated 23rd October 2013 in accordance with law;

(K.K.TATED, J.)