

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

CHAMBER SUMMONS NO.1815/2011
IN
EXECUTION APPLICATION NO.342/2008

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Farhan Khan i/b Purohit & Co. for the applicant

CORAM : K. K. TATED, J.

DATE : SEPTEMBER 11, 2017

P.C.:

1. Heard. The learned counsel for the applicant submits that they have already served the respondent. To that effect the learned counsel for the applicant filed Affidavit of service dated 04.09.2017. Same is taken on record. In spite of service, none appeared for the applicant when the matter was called out.

2. The learned counsel for the applicant submits that they filed the execution application for executing the award dated 20.06.2005. He submits that as per the said award, they have to recover sum of Rs.15,61,719.82 with interst @ 9% p.a. He submits that the Chamber Summons is for

directing the respondent to disclose the particulars of his properties and assets under Order XXI Rule 41 of the Code of Civil Procedure, 1908.

3. Considering the submissions made by the learned counsel for the applicant, the averments made in the affidavit in support of the Chamber Summons and as the respondents have failed and neglected to pay the amount as per the said award, I am satisfied that the applicant has made out a case for allowing the Chamber Summons.

4. Hence, following order is passed:

a. The Chamber Summons is allowed in terms of prayer clause (a), which reads thus:

“(a) That the respondent be directed by an order of this court to file an affidavit stating therein the particulars of their properties and assets as provided under Order XXI Rule 41 of the Code of Civil Procedure, 1908, since the award has remained unsatisfied.”

b. The respondent to comply with this order within four weeks from the date of service.

c. The Chamber Summons stands disposed off accordingly.

JUDGE