

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

NOTICE OF MOTION NO. 510 OF 2016

IN

SUIT NO. 4329 OF 1996

K.T. Steel Industries LLP

...Applicant

IN THE MATTER BETWEEN

K.T. Steel Industries LLP

...Plaintiff

V/s.

Islamic Republic of Iran & Ors

...Defendants

Mr. Sharan Jagtiani a/w. Mr. Ishwar Ahuja I/b. Thakordas Madgavkar
for the Plaintiff/Applicant.
None for the Defendants.

CORAM : S.C. GUPTE, J.

DATE : 07 MARCH, 2018.

P.C. :-

1. Heard learned counsel for the Plaintiff. Defendants are absent.
2. This notice of motion is taken out under Order 21 Rule 22 of the Code of Civil Procedure, 1908 for leave to execute the decree

passed in the suit. The motion has been duly served on the Defendants. There are three affidavits of service tendered by the Plaintiff. In proof of such service, the first two affidavits dated 11 April 2016 and 19 September 2016 indicate that the service was duly accepted by the Defendants through the Consulate Office of Islamic Republic of Iran. The third affidavit dated 7 March 2018 shows that when a special notice of the notice of motion was sought to be served on the Defendants through Consulate Office, there was a refusal on the part of the Consulate Office in accepting the notice. The notice was thereafter also sent by email to the Consulate Office.

3. By order dated 26 September 2005 passed by this Court earlier, the writ of summons was allowed to be served on the Defendants through the Consulate Office. The Consulate Office has throughout accepted the notices of the proceedings in the suit and the execution proceedings therein, till refusal of service as indicated in the three affidavits referred to above. In the premises, the service of notice of motion should be treated as complete against the Defendants. The Defendants are absent and do not show any cause.

4. The notice of motion is allowed in terms of prayer clause (a). The Court notice to be issued under the provisions of Order 21 Rule 22 in response to this order may also be accordingly served on

the Defendants through Consulate Office of Islamic Republic of Iran.

(S.C. GUPTE, J.)