

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE NO. 2049 OF 2015
IN
EXECUTION APPLICATION NO. 2259 OF 2015

Manilal Sunderji Doshi	...Applicant
<i>Versus</i>	
Kanan Kitwear & Ors	...Respondents

Ms SI Joshi, *with Jalpa Pithadia, i/b SI Joshi & Co., for the Applicant.*

Mr Dharam Jumani, *with Suraj Iyer, i/b Ganesh & Co., for the Respondents.*

CORAM: G.S. PATEL, J
DATED: 23rd July 2018

PC:-

1. Although the Notice is opposed, in my view, it should be made absolute. All contentions of the Judgment Debtor are specifically kept open.

2. I note that there is an issue raised that the consent decree dated 10th January 2006 is a nullity. The issue was canvassed before a learned Single Judge and decided against the Judgment Debtor on 16th January 2015. An Appeal against that order was admitted on 8th September 2016.

3. The consequence is that the execution will not proceed against the Judgment Debtor during the pendency of the Appeal.

(G. S. PATEL, J)