

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.473 OF 2014
IN
EXECUTION APPLICATION NO.2298 OF 2015**

L & T Finance Ltd.

..Claimant/Applicant

Vs.

M/s R. S. Travels & Anr

.Respondents

Ms S. I. Joshi a/w Ms Nikita Pawar I/b S. I. Joshi & Co. for Claimant
/Applicant

None for Respondents

CORAM : K.R.SHRIRAM, J.

DATE : 7th MARCH, 2019

P.C.:

1 At the outset, Ms Joshi seeks leave to insert prayer clause (a), which was deleted. Leave granted. Amendment to be carried out forthwith.

2 Ms. Joshi states that prayer clauses (b) and (g) has been granted on 29th January 2016 and the same has also been served. Ms Joshi states that subsequently warrants of arrest has been issued against both respondents, but same has not been executed. Ms Joshi states that Mr. Vinay Kumar proprietor of respondent no.1 answers the cell phone but does not come to court and has not filed affidavit of disclosure. Ms Joshi states that his mobile number is 9818804228. Service provider shall give all details of the locations of this mobile number to claimant as well as the concerned police.

3 Chamber summons allowed and accordingly disposed in terms of prayer clause (a), which reads as under:

“(a) that the defendants be directed to deposit decretal amount a sum of Rs.2,07,99,772.07 with further interest on Rs.2,03,54,994/- from 11.04.2014 @ 24% p.a. till payment and/or realisation thereof.”

4 If the decretal amount is not deposited within four weeks by respondents, then prayer clauses – (c) and (h) will get activated which read as under :

“(c) that the defendants be detained in the civil prison as per Order 21 Rule 41 subrule 3 of the Code of Civil Procedure for noncompliance of the order passed by this Hon'ble Court in terms of prayer clause (b) hereinabove;

(h) that the defendants be arrested and detained in civil prison as per the provisions of Section 51 of the Code of Civil Procedure.”

5 Claimant shall deliver this order upon defendant nos.1 and 2 by hand delivery apart from other modes of delivery.

6 Execution application accordingly disposed.

7 All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)