

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY AND ORIGINAL CIVIL JURISDICTION  
CHAMBER SUMMONS NO.468 OF 2014  
IN  
EXECUTION APPLICATION NO.2376 OF 2015**

L & T Finance Limited

..Claimant

Vs.

M/s Able Kumar Transport & Ors

..Defendants

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

None for Defendant

**CORAM : K.R.SHRIRAM, J.**

**DATE : 7<sup>th</sup> MARCH, 2019**

**P.C.:**

1            Ms. Joshi states that order in terms of prayer clauses (b) and (g) was granted against Defendant no.1 on 21<sup>st</sup> November 2014. Ms Joshi states that this order has been served and in fact even bailable warrants have been issued against Defendant no.1 repeatedly. Warrants have not been executed. Defendant no.1 not filed affidavit of disclosure as directed.

2            Ms. Joshi states that Defendant nos.2 and 3 are not traceable and states that liberty be granted to withdraw the execution application and chamber summons against Defendant nos.2 and 3, with liberty to take out fresh proceedings once Defendant nos.2 and 3 are traced. Chamber summons dismissed as withdrawn as against Defendant nos.2 and 3 with liberty as prayed for.

3 Defendant Nos.2 and 3 to be traced within eight weeks from today, failing which the liberty granted will stand recalled.

4 As regards Defendant no.1, Defendant no.1 not having complied with the order passed by this court, in my view, it is a fit case to allow the chamber summons. 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.50,29,286.73 with further interest on Rs.44,65,139/- from 09.01.2014 @ 24% p.a. till payment and/or realisation thereof.”*

5 If the decretal amount is not deposited by defendant no.1 within four weeks, 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.”*

6 Plaintiff shall deliver this order upon defendant no.1 by hand delivery apart from other modes of delivery.

- 7 Execution application also disposed.
- 8 All to act on authenticated copy of this order.

**(K.R. SHRIRAM, J.)**