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

**CHAMBER SUMMONS NO. 699 OF 2018
IN
CHAMBER SUMMONS NO. 1489 OF 2003
IN
EXECUTION APPLICATION NO.373 OF 2003
WITH
CHAMBER SUMMONS NO. 702 OF 2018
IN
CHAMBER SUMMONS NO. 1490 OF 2003
IN
EXECUTION APPLICATION NO.374 OF 2003**

Sarju International Ltd.	... Applicant
<i>In the matter between</i>	
Manmohan Exim Pvt. Ltd.	... Plaintiff
Vs.	
M/s. Sarju International Ltd. Anr.	... Defendants

Ms. Pranjali Bhandari, for the Applicant.

CORAM:	R. I. CHAGLA, J.
DATE:	19TH AUGUST, 2019

PC:-

1. These applications have been filed for extension of time by a period of six weeks for submission of report by the Commissioner for Taking Accounts. When these Chamber Summonses had come up on board on 24th July, 2019, it had been recorded that the Applicant was allowed by the Commissioner for Taking Accounts to file claim for damages

suffered on account of wrongful attachment of the bank account as well as the immovable assets of the Applicant by the Plaintiff in Execution. The Applicant had filed the necessary claim. This was challenged by the Plaintiff and the Appeal had been dismissed. Thereafter, the Applicant had filed Affidavit of Evidence on 14th March, 2008 along with Compilation of original Documents before the Commissioner for Taking Accounts and the cross examination had begun and was last recorded on 14th December, 2010. The proceedings have not progressed thereafter due to various adjournments being granted by Commissioner for Taking Accounts. The Plaintiff had sought time to file the Affidavit in Reply to the Chamber Summons and was accordingly directed to file Affidavit in Reply within a period of one week from the date of this order. The Applicant was directed to give notice to the Commissioner for Taking Accounts of the pending Chamber Summons and the Commissioner for Taking Accounts was accordingly directed not to impose costs upon the Applicant for taking time before the Commissioner who had fixed the next date of hearing on 29th July, 2019.

2. It has now been stated by the learned Counsel for the Applicant that despite these directions being issued by this Court on 24th July, 2019, the Plaintiff has not filed their Affidavits in

Reply to the Chamber Summonses. Accordingly, the Applicant seeks relief in terms of the Chamber Summonses by extension of time for submission of the report of the Commissioner for Taking Accounts by a period of six weeks.

3. Considering that, the proceedings have going on for several years before the Commissioner for Taking Accounts and after the one year period had expired way back in 2000 claims have been made for damages on account of wrongful attachment of the bank accounts by the Applicant and evidence recorded before the Commissioner for Taking Accounts, it would be appropriate to give one last opportunity by extending the time for the Commissioner for Taking Accounts to finally submit his report. The report shall be submitted to this Court within a period of three months from the date of this order. The parties in the proceedings before the Commissioner for Taking Accounts are directed to cooperate with the Commissioner for Taking Accounts in order that this order is duly complied with. The Commissioner for Taking Accounts shall see to it that no further adjournments are sought for by the parties and / or granted, considering that the proceedings have been continued for several years before the Commissioner for Taking Accounts.

4. Accordingly, the Chamber Summonses are disposed of in the above terms.

(R I. CHAGLA, J.)