

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.118 OF 2014
WITH
CHAMBER SUMMONS NO.815 OF 2018
IN
EXECUTION APPLICATION (L) NO.1502 OF 2013**

MSTC Limited	..Claimant/Applicant
Vs.	
Joshi Bullion Gems & Jewellery Pvt Ltd	..Respondent

Mr. Devashish Jagirdar I/b Jayakar and Partners for Claimant/Applicant
Mr. Manish Bohra a/w Mr. Veeraj Desai I/b A. S. Khan and Associates for Respondent

**CORAM : K.R.SHRIRAM, J.
DATE : 7th MARCH, 2019**

P.C.:

CHAMBER SUMMONS NO.815 OF 2018

1 This chamber summons is taken out by applicant for leave to amend the execution application, by permitting applicant to add 1) Rupesh Desai, 2) Dhaivat Vakharia and 3) Jayesh Ramanlal Desai, as respondents to the execution application. Counsel states that they are the Directors of respondents and, therefore, they must be made respondents to the execution application or else grave prejudice will be caused to applicant.

2 At the outset, I have to note that there is no award against the proposed respondents. The proposed respondents were not even parties to

the arbitration proceedings. Counsel also was unable to state as to how the Directors of the company, who were not even parties to the arbitral proceedings and against whom there is not even an award, can applicant seek to execute the award against those persons. I have to also note that there is not a whisper in the affidavit in support as to why the proposed respondents are required to be added as respondents.

3 In the circumstances, chamber summons dismissed.

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Stand over to 28th March 2019.

(K.R. SHRIRAM, J.)