

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.292 OF 2014
IN
EXECUTION APPLICATION NO.809 OF 2014**

Mitsui OSK Lines Ltd.

..Applicant/Award Holder/
Judgment Creditor

In the matter Between :

Mitsui OSK Lines Ltd.

..Award Holder/Judgment Creditor

Vs.

Orient Ship Agency Pvt. Ltd.

..Respondent/Judgment Debtor

And

S. Jalal Jalali & Anr.

..Additional Respondent Nos.1 & 2

And

Sumitomo Banking Corporation & Ors.

..Additional Respondent Nos.3 to 5

**WITH
NOTICE OF MOTION NO.1494 OF 2017
WITH
NOTICE OF MOTION NO.1603 OF 2017
IN
NOTICE OF MOTION NO.1666 OF 2016
IN
EXECUTION APPLICATION NO.809 OF 2014**

Mr. Gaurang Mehta a/w Ms. Poorva Garg I/b M/s. Mulla and Mulla and Craigie Blunt and Caroe for Claimant/Judgment Creditor.

Mr. Sanjay Jain a/w Ms. Aditi Pawar I/b M/s. A. Mehta Laljee and Co. for Judgment Debtor and Additional Respondent Nos.1 and 2.

CORAM : K.R.SHRIRAM, J.

DATE : 21st FEBRUARY, 2019

P.C.:

CHAMBER SUMMONS NO.963 OF 2017

1. Not on board. Upon mentioning taken up for hearing.

2. This Chamber Summons has been received at the instance of an advocate for Judgment Debtor for the following reliefs :-

“(i) Account Statement of CAPUB/79 for the period 1st September, 2014 to 30th September, 2014 maintained at Carnac Bunder Branch with Saraswat Co-operative Bank Ltd. along with Certificate under the Bankers Book Evidence Act, 1891; and

(ii) Account Statement of 019-086453 for the period 1st September, 2014 to 30th September, 2014, 1st October, 2014 to 20th October, 2014, 1st November, 2014 to 7th November, 2014, 6th November, 2014 to 20th November, 2014 and 1st October, 2014 to 9th January, 2015 maintained with The Hongkong & Shanghai Banking Corporation Ltd., Mumbai Main Branch, Mumbai – 400 001 along with Certificate under the Bankers Book Evidence Act, 1891.”

3. An order came to be passed in this Chamber Summons directing issuance of Witness Summons to The Hongkong & Shanghai Banking Corporation Limited, Mumbai Main Branch, Mumbai – 400 001 (HSBC) to produce certified copies of the account statements mentioned in prayer Clauses (i) and (ii) quoted above.

4. I am informed that the witness from HSBC had come on one occasion but the matter, before he reached, had already been called out.

5. Counsel state, to speed up the matter, the following order be passed :-

i) The Hongkong & Shanghai Banking Corporation Limited, Mumbai Main Branch, Mumbai – 400 001 to provide certified copies of the Account Statements mentioned in the two prayers quoted above and the certified copies be sent to the Prothonotary and Senior Master, High Court, Bombay under advise to the advocate for Judgment Debtor/Award Holder and to

the advocates for Judgment Creditor at the addresses given below :-

A. Mehta Laljee & Co.,
Commonwealth Building,
2nd Floor, 82, Nagindas Master Road,
Fort, Mumbai – 400 023.
Proprietor :- M.J. Dabholkar
Tel. No. :- 022 22705182/022 22705186/022 22670317
Email :- mjd@amlindia.com
(for Judgment Debtor)

Mulla & Mulla & Craigie Blunt and Caroe,
Mulla House, 51, M.G. Raod,
Fort, Mumbai – 400 001.
Attention : Mrs. Rashna Khan
Contact No. : 62166355/9820215332
(for Judgment Creditor)

6. HSBC is directed to provide the certified copies of the Account Statements within one week of receiving the copy of this order, which advocates of both Award Holder as well as the Judgment Debtor are at liberty to forward.

7. Ordered accordingly.

8. Chamber Summons disposed.

9. All concerned to act on authenticated copy of this order.

10. In view of the above order, the Witness Summons stands discharged.

NOTICE OF MOTION NO.1603 OF 2017

11. Wrongly on board as already disposed vide order dated 26.02.2018.

12. Remaining matters be listed for hearing and final disposal on 14.03.2019.

(K.R. SHRIRAM, J.)