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

**NOTICE NO.182 OF 2018
IN
EXECUTION APPLICATION NO.1658 OF 2018**

Gati Kintetsu Express Pvt. Ltd. ... Petitioner
V/s.
Parenteral Drugs (India) Ltd. ... Respondent

Ms. Shilpa Kapil for the Petitioner.
None for the Respondent.

CORAM: R. I. CHAGLA, J.
DATE: 5TH JULY, 2019.

PC:-

1. The learned Counsel for the Claimant seeks the execution of the award against the Respondent under Order XXI Rule 23 of the Code of Civil Procedure, 1908. She states that Notice dated 31st August, 2018 had been issued to the Respondent / judgment debtor to show cause why the award passed by the learned Sole Arbitrator should not be executed against the Respondent. The Bailiff duly executed the Notice. An Affidavit proving service on the Respondent dated 6th October, 2018 is on file. The learned Counsel for the Claimant / Decree Holder states that the Respondent had filed an application challenging the award dated

17th May, 2014 before the Retired District Judge but that Court had not granted any stay to the operation of the award.

2. The Notice having been issued under Order XXI Rule 22 to the Respondent / Judgment Debtor, and served upon the Respondent / judgment debtor despite which the Respondent has neither remained present nor shown cause as to why the award should not be executed against the Respondent, it is necessary to pass the order that the award shall be executed against the Respondent.

3. Accordingly, it is ordered that the Award be executed against Respondents.

4. Notice is accordingly made absolute.

(R I. CHAGLA, J.)