

Sharayu Khot.

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

EXECUTION APPLICATION NO. 117 OF 2012

M/s. Otarmal Kantilal & Co.

...Applicant

Versus

Gorakhanath Krishana Patil & Anr.

...Defendants

Priyal Chheda, i/b Tushar Goradia, for the Plaintiff.

(No R & P)

CORAM : R.I. CHAGLA J.

DATE : 26 August 2019

ORDER :

1. The learned Counsel for the Applicant seeks permission to withdraw the Execution Application with liberty to file a fresh Execution Application on account of the demise of the Applicant/Plaintiff.

2. Considering that the period of seven years have lapsed since the Execution Application was filed and has not been proceeded with, the Applicant is permitted to withdraw the Execution

Application and is granted liberty to file a fresh Execution Application. The fresh Execution Application as and when filed shall be entertained provided a proper justification is given to this Court as to why the Execution Application which is allowed to be withdrawn had not been proceeded with for a period of seven years. This shall be done by the Applicant filing an Affidavit along with the fresh Execution Application and it will be open for this Court to consider as to whether to allow the Applicant to proceed with the fresh Execution Application.

3. Accordingly, the Execution Application is disposed of on the above terms.

[R.I. CHAGLA J.]