

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.103 OF 2015

IN

EXECUTION APPLICATION NO.1535 OF 2012

IDBI Ltd.Applicant
In the matter between
Mr.Dinesh Kumar SharmaJudgment Creditor
V/s.
Mr.Kailash Sharma & Anr.Judgment Debtors

AND

EXECUTION APPLICATION NO.1535 OF 2012

Mr.Dinesh Kumar SharmaJudgment Creditor
V/s.
Mr.Kailash Sharma & Anr.Judgment Debtors

Mr.Shanay Shah with Mr.Darshan R.Mehta, Ms.Sonali Aggarwal i/b.
M/s.Dhruve Liladhar & Co. for Applicant-IDBI.

None for the Claimant in the Execution application.

CORAM : G.S. KULKARNI, J.

DATE : 28th November, 2019

PC.:

1. This Court yesterday (27 November 2019) had passed the following order:-

None appears for the judgment creditor as also for the judgment debtors.

2. I have perused the order dated 5 December 2013 passed by this Court (Mrs. Roshan Dalvi as her Ladyship then was) in Chamber Summons (L.) No.1386 of 2013.

3. To grant a last opportunity to the judgment creditor and to the judgment debtor to appear in the present proceedings as also in the aforesaid chamber summons which has been filed by IDBI Bank, stand over to 28 November 2019.

4. It is clarified that if on the adjourned date of hearing the judgment creditor is not represented, the Court shall proceed to pass appropriate orders.

5. The appearance of the applicant/judgment creditor in the execution application of Mr.S.H. Bohra has been appropriately notified on the cause list.”

2. Today again neither the judgment creditor nor the judgment debtor are appearing. It is thus clear that the judgment creditor is not interested to prosecute this execution application. It is accordingly dismissed for want of prosecution.

3. Chamber Summons no.103 of 2015 filed by IDBI which also has remained uncontested, would be required to be allowed, as the execution application itself stands dismissed. It is accordingly, allowed in terms of prayer clause (a) and (a-1) which reads thus:-

“(a) that this Hon’ble Court be pleased to set aside the warrant of attachment dated 21st December,2012 issued in the Execution Application (Ldg) No.1535 of 2012 thereby raising the attachment in respect of the properties of the judgment debtor;

(a-1) that this Hon’ble Court be pleased to discharge the Court Receiver, High Court, Bombay.”

Ordered accordingly.

Parties to act on the authenticated copy of this order.

[G.S. KULKARNI, J.]