

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.1 OF 2020
AND
COMMERCIAL EXECUTION APPLICATION NO.252 OF 2019**

Anita Rajinder Rishi
Creditor

..Applicant/Plaintiff/Judgment

V/s.

Deepak Pandurang Pawar

..Respondent/Defendant/Judgment Debtor

Mr.Prathamesh Kamat with Ms.Bency Ramakrishnan i/b. Mr.Akash Menon
for Plaintiff/Applicant.

Mr.Girish Thakar for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 11th FEBRUARY, 2020.

P.C.:

Heard learned Counsel for the applicant and learned Counsel for the respondent.

2. The only prayer as made in this interim application filed by the applicant/decreed holder is to seek disclosure of the movable and immovable properties as prayed for in prayer clause (a) which reads thus:-

“(a) Direct the Defendant to disclose on Affidavit details of all of those moveable and immoveable properties that he, his wife, and his children may own, have an interest in or be entitled to.”

3. Admittedly, Summons of Judgment No.39 of 2017 was made absolute by this Court and the suit is decreed by an order dated 12 March 2018 passed thereon. Thereafter an application was filed for recall of the said order which also came to be withdrawn. Today the position on record is that the decree has become executable and as the decree is not

honoured, the applicants are before the Court. In a situation of this nature, there can hardly be any defence to oppose the prayer as made in this application.

4. Learned Counsel for the respondent says that his client intends to assail the decree passed by the trial court. Although learned Counsel for the respondent would seek time in my opinion, such a request ought not to be considered considering the limited prayer as made in the application. A disclosure as sought for, would not cause any prejudice to the respondent. It would also not cause any prejudice to their rights to assail the decree passed by the trial Court in the suit in respect of which, so far, no proceedings are filed.

5. Be that as it may, in view of the above discussion, in my opinion, it would be in the interest of justice and more so considering the nature of the decree, it is appropriate that the prayer is granted. Accordingly, application is allowed in terms of prayer clause (a).

6. Necessary disclosure be filed in the execution application, in this Court by way of an affidavit within two weeks from today.

7. All other contentions of the parties are expressly kept open.

[G.S. KULKARNI, J.]

Prajakta
S.
Vartak

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