

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

INTERIM APPLICATION NO. 1291 OF 2020

IN

EXECUTION APPLICATION NO. 1450 OF 2015

IN

ARBITRATION NO. 2791 OF 2013

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Kotak Mahindra Bank Limited .. Applicant

In the matter between

L and T Finance Limited .. Plaintiff

v/s.

Ghanshyam Harinarayan Parikh and Anr. .. Defendants

Mr. Anand Poojari a/w. Ms. Nikita Pawar for the Applicant.

None for the Defendants/Respondents.

CORAM : A. K. MENON, J.

DATED : 29TH NOVEMBER, 2021.

P.C. :

1. By this Interim application, the applicant seeks to be substituted in place of original award holder L & T Finance Ltd. The applicant's case is that pursuant to the Deed of assignment dated 29th March, 2019, the applicant is now entitled to pursue the execution of the award.

2. Mr. Poojari has today submitted that the applicants have made efforts to serve the respondents. He has filed an affidavit of service

dated 23rd November, 2021. The affidavit indicates that attempt to serve the defendants have not been successful as the defendant No.1 has left the premises. As far as defendant No.2 is concerned, the affidavit is indicate that he has been duly served.

3. The respondents are absent on call.

4. Having heard the submissions of Mr. Poojari and having perused the affidavit, I am of the view that the Interim Application is liable to be allowed considering the case of substitution of the applicant in view of the original award. The respondents shall be at liberty to oppose the application on merits and in these circumstances, I pass the following order;

(i) Interim Application is made absolute in terms of prayer clause

(a) and (b).

(ii) Amendment to be carried out within four weeks.

(A. K. MENON, J.)