

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

**CHAMBER SUMMONS NO.473 OF 2019**

**IN**

**COMMERCIAL EXECUTION APPLICATION (LODGING) NO.620 OF 2019**

Godrej Industries Ltd.

.. Applicant-Judg. Creditor

Vs.

Bhuta International and Ors.

.. Respondents-Judg. Debtors

Mr. Bimal Rajesekhar, with Mr. Umang Thakar, i/by Bimal Rajesekhar, for the Applicant-Judgment Creditor.

Ms. Aditi Harsha, i/by Mr. Yashpal Jain, for the Respondents-Judg. Debtors.

**CORAM : A. K. MENON, J.**

**DATED : 11<sup>TH</sup> FEBRUARY 2021.**

**P.C. :**

1. Mr. Rajesekhar points out that despite several orders being passed, including those of 13<sup>th</sup> November 2019 and 18<sup>th</sup> December 2019 and despite directing the respondent no.3 to remain present on 12<sup>th</sup> February 2020, the respondent no.3 has not remained present. On 12<sup>th</sup> February 2020, as a last chance, the respondents were directed to comply with the order dated 28<sup>th</sup> January 2020. The matter was then adjourned and it appears on 11<sup>th</sup> March 2020. Since the order of 12<sup>th</sup> February 2020 had not been complied, the respondents-judgment debtors were directed to pay costs and remain present in court personally on 26<sup>th</sup> March 2020. Thereafter, on account of the ensuing lock-down, the matters were not taken up.

2. Mr. Rajesekhar states that further affidavits were filed after the matter was heard over video conference. The record indicates that the matter was taken up on 2<sup>nd</sup> September 2020, when time was sought and matter was adjourned to 7<sup>th</sup> September 2020. On 7<sup>th</sup> September 2020, again it was adjourned to 14<sup>th</sup> September 2020. On 14<sup>th</sup> September 2020, by consent, it was adjourned to 21<sup>st</sup> September 2020.

3. Mr. Rajshekhar submits that, in the interregnum, the affidavit dated 8<sup>th</sup> September 2020 has been filed; however nothing whatsoever is disclosed, on the basis of which the applicant-judgment creditor can proceed in attachment. The learned counsel appearing today on behalf of the respondents states that she has no instructions.

4. In the circumstances, it is obvious that the respondents are either avoiding compliance of earlier orders or have no assets at all. In these circumstances, Mr. Rajesekhar's request for issuance of summons for respondents' oral examination is justified. Accordingly, I pass the following order :-

- (i) Chamber Summons is allowed in terms of prayer clauses (d) and (e). Registry to issue summons to respondent nos.2 and 3 for their oral examination and produce all records, as set out in prayer clause (e). Summons is made returnable on 11<sup>th</sup> March 2021.

- (ii) It is made clear that if the summons is not answered, the court will be left with no alternative but to pass appropriate orders to secure the respondents' presence.
- (iii) S.O. to 11<sup>th</sup> March 2021.

(A. K. MENON, J.)

Sneha  
A. Dixit

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