

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

INTERIM APPLICATION NO.1672 OF 2019

IN

EXECUTION APPLICATION NO.425 OF 2015

CFM Asset Reconstruction Pvt. Ltd.

.. Applicant

In the matter between

L & T Finance Ltd.

.. Claimant-Decree Holder

Vs.

Nitin Ganpat Nalawade and Anr.

.. Respondents-Judg. Debtors

Ms. Shraddha Patil, i/by D.S. Law, for the Applicant/Claimant.

None for the Respondents-Judgment Debtors.

CORAM : A. K. MENON, J.

DATE : 22ND NOVEMBER, 2021.

P.C. :

1. On behalf of the applicant, learned counsel submits that there has been a change of Advocate. She states that she intends to enter appearance in place of the existing Advocates, who have entered appearance in the Execution Application. The current Advocate in the Execution Application is also represented. She has endorsed her no objection on the vakalatnama in the IA. Accordingly, vakalatnama shall be filed in the registry on or before 26th November 2021. This appearance shall be treated as appearance in the Execution Application as well. No separate vakalatnama needs to be filed in the Execution Application.

2. The IA seeks substitution of the applicant-CFM Asset Reconstruction Pvt. Ltd. since the original claimant-L & T Finance Ltd. has assigned debt to the present applicant. The respondents-judgment debtors are not represented today. It appears that they have not been served with the IA. However, since

the IA is only for substitution of the applicant by virtue of a Deed of Assignment dated 26th June 2019, a fact that is admitted by the original claimant-decree holder, I am of the view that the application is liable to be allowed.

3. Accordingly, I pass the following order :-

- (i) Subject to filing vakalatnama on behalf of the applicant, as directed, the IA is allowed in terms of prayer clauses (a), (b) and (c).
- (ii) Amendment to be carried out within four weeks from today.
- (iii) If vakalatnama is not filed or the amendment is not carried out within the stipulated period, Execution Application would stand dismissed without further reference to the court.
- (iv) If vakalatnama is filed and the amendment is carried out, all objections in the Execution Application shall be complied within a further period of four weeks, failing which the Execution Application shall stand dismissed without further reference to the court and no further application shall be entertained in execution.
- (v) The IA is disposed in the above terms.

(A.K. MENON, J.)