

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 8042/2022

(Maharashtra Antibiotics & Pharmaceuticals Ltd and another. **Vs.** Environmental Technologies India Ltd.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.G. Dhanure, Advocate with Shri Suneet Ambade, counsel
for the petitioners.

CORAM : VINAY JOSHI, J.
DATED : 14/12/2022.

1. Heard.
2. The petitioner/company has challenged the order of issuance of process/notice against them in Execution Petition No. 1224/2021, by which the petitioner/company was called upon vide process/notice in the capacity of judgment debtor.
3. While challenging the process/notice, it has been primarily contended that the execution petition is barred by limitation as after 19 years from the Arbitration award, execution has been filed.
4. It is the petitioners contention that, they have appeared in the execution and filed objection about maintainability, however, according to them the Executing Court has not passed any order. In the situation, the petitioners seek for quashing of the notice issued by the Executing Court for appearance. As a matter of fact, if the execution is not

maintainable, it is for the Executing Court to decide its maintainability. Already petitioners have filed an application before the Executing Court, on which the order has not been passed. Therefore, there is no judicial order so as to challenge in the writ petition.

5. In view of above, the Executing Court is directed to decide the application filed by the petitioners regarding maintainability in accordance with the law.

All contentions raised in this petition are kept open.

The writ petition stands **disposed of**.

(VINAY JOSHI, J.)