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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.588 OF 2023

India Flex Industries Pvt. Ltd
through Krutika Shelke

... Applicant

V/s.

Jinkoh Polymers LLP, through
partner Sunil Vedprakash Kohli

... Respondent

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Mr. Manish N. Jain with Ms. Ritu G. Gehlot i/by S.M.
Jain Associates for the applicant.

Mr. Omkar Paranjape for the respondent.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 12, 2023

PC.:

1. By the impugned order, the Executing Court has rejected application under Section 47 filed by the judgment debtor. It appears that the decree holder is held to be entitled to an amount of Rs.24,05,954/- along with interest. For execution of the Arbitration Award dated 9 November 2020, the decree holder filed Regular Darkhast No.7 of 2023. In the said Darkhast, the judgment debtor filed an application contending that he paid an amount of Rs.17,87,078/- to the decree holder.

2. The Trial Court recorded a finding of fact that the judgment debtor was unable to produce substantive evidence to prove the fact that he has paid amount of Rs.17,87,078/- to the decree

holder. In absence of such documentary evidence, rejection of application by the Executing Court cannot be faulted.

3. However, the Executing Court observed that if the judgment debtor has documentary evidence to show that he has paid amount to the decree holder after the Award, he will be entitled to produce such document. Therefore, in my opinion, the order of the Executing Court does not suffer from error of jurisdiction calling for interference under Section 115 of the Code of Civil Procedure, 1908.

4. The civil revision application is, therefore, rejected. No costs.

(AMIT BORKAR, J.)