

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10512 OF 2018

VAIBHAV
RAMESH
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Date: 2023.11.06
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Sharmishtha K. Patel ... Petitioner
V/s.
Chemofine Industries & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.16223 OF 2023
IN
WRIT PETITION NO.10512 OF 2018

Chemofine Industries ... Applicant
In the matter between
Sharmishta K. Patel (Deceased) ... Petitioner
V/s.
Chemofine Industries & Ors. ... Respondents

Mr. Prathmesh Bhosle i/by Mr. Girish S. Pikale for the
applicant in IA and for respondent No.1 in WP

Mr. Manek Kotyaniwalla with Mr. Vipul Bilue i/by
Mulla and Mulla and CBC for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 4, 2023

P.C.:

1. By the impugned order, the executing Court has rejected
application under Order 21 Rule 97 of the Civil Procedure Code,

1908, which has a force of decree under Sub-rule 101 and Rule 21 of the Civil Procedure Code, 1908.

2. Hence, the writ petition is disposed of by granting liberty to the petitioner to file substantive appeal against the impugned order. No costs.

3. In view of disposal of the writ petition, nothing survives in the interim application and the same stands disposed of as infructuous.

4. Ad-interim relief granted earlier is continued for period of four weeks from today.

(AMIT BORKAR, J.)