

AGK

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

WRIT PETITION NO.12606 OF 2023

India Flex Industries Pvt. Ltd.

... Petitioner

V/s.

Jinkoh Polymers LLP

... Respondent

ATUL
GANESH
KULKARNI
Digitally signed by
ATUL GANESH
KULKARNI
Date: 2023.10.16
18:12:40 +0530

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

Mr. Omkar Paranjape for the respondent.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 12, 2023

P.C.:

1. The challenge in this writ petition is to the order passed by the Executing Court under Order 21 Rule 43 and 46 of the Code of Civil Procedure, 1908. The Executing Court by an order dated 3 August 2023 has rejected objection of the judgment debtor to the effect that he paid decretal amount to the decree holder after passing of Award. After such adjudication, it is open for the Executing Court to execute the Award by following provisions of Order 21 of the Civil Procedure Code, 1908.

2. Since the fact that the judgment debtor is liable to pay money to the decree holder, exercise of power under Order 21 Rule 43 and 46 cannot be faulted.

3. The writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)