

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

EXECUTION APPLICATION NO. 1009 OF 2017

M/s. Chola mandalam Investment &
Finance Co. Ltd.

..... Claimant

Vs.

Mohammed Shaikh s/o
Ahmed Shaikh and anr.

..... Respondents.

None for the Claimant.

CORAM : ARIF S. DOCTOR, J.

DATE : 25th July 2023

P.C. :

1. Today when the matter was called out, none appeared for the
Claimant.

2. The present matter is on board for dismissal under Rule 329 of the
Bombay High Court (Original Side) Rules, 1980. Rule 329 reads thus:-

***“R.329. Non-prosecution of application for execution.----- When
a party does not proceed with the application for execution for a
period of twelve months from the date of the filing of
application, the Prothonotary and Senior Master shall place the***

application before the Judge in Chambers for dismissal for want of prosecution. The Judge may pass such orders thereon as he may think fit."

3. This is an Execution Application of the year 2017 and the same has not been prosecuted for well over a period of 12 months, in fact for over 6 years from the date of filing.

4. None appears for the Claimant to show cause as to why the matter ought not to be dismissed.

5. The record however reflects that in the year 2017 warrants of attachment have been issued to the Respondents, but there is no report on record to show whether or not the same have infact been executed. There is also no Application seeking issuance of fresh warrants or for an extension of time.

6. In view thereof, the Execution Application stands dismissed in terms of Rule 329 of the Bombay High Court (Original Side) Rules, 1980. In view of dismissal of the Execution Application, the interim proceedings, if any, also stand disposed of.

7. In the event, if it is found that the property is attached under the warrants of attachment issued in this matter, the judgment debtors are granted liberty to take necessary steps as are available in law for lifting the attachment.

(ARIF S. DOCTOR, J.)