

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1530 OF 2022**

Encore Asset Reconstruction Company Private Limited ... Applicant

In the matter between:

Bajaj Finance Limited ... Claimant

vs.

Minal Tukaram Kamble and another ... Respondents

IN

COMMERCIAL EXECUTION APPLICATION (LODGING) NO. 1364 OF 2019

Mr. Archit Virmani a/w. Ms. Dhvani Jain for applicant.

CORAM : MANISH PITALE, J

DATE : 23rd JUNE, 2023

P.C. :

. The respondents have been served and the affidavit of service is ready.
The same be filed within one week from today.

2. By this application, the applicant prays for being substituted in place of the original execution applicant i.e. the claimant in the aforesaid proceedings and a consequent declaration be granted that the applicant is entitled to execute the award as an assignee of the original claimant.

3. At Exhibit B to the application is a copy of assignment agreement, whereby the original claimant Bajaj Finance Limited assigned the aforesaid debt in favour of the applicant - Encore Asset Reconstruction Company Private Limited. Assignment agreement is dated 29.12.2020 and the schedule to the said agreement specifically refers to the present proceedings initiated by the original claimant for execution of the award against the award debtor.

4. This Court is satisfied that the present application can be allowed, in the interest of justice.
5. Accordingly, the application is allowed in terms of prayer clause (a), with the result that the applicant shall now stand substituted in place of the execution applicant (original claimant).
6. Amendment be carried out within two weeks from today.

(MANISH PITALE, J)

Priya Kambli