

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

INTERIM APPLICATION NO.3606 OF 2022
IN
EXECUTION APPLICATION NO.1001 OF 2015

Integro Finserv Private Limited : Applicant.

In the matter between

L & T Finance Limited : Original Claimant/Decree Holder.

Versus

Mehul Girish Bhanushali and anr. : Respondents/Judgment Debtors.

Siddhesh Rajput i/by DS Law for the Applicant in Interim Application.

CORAM : ARIF S. DOCTOR, J.

DATE : 28th July 2023

P.C. :

1. The present Interim Application has been filed for the following reliefs :-

“(a) that the Applicant be substituted as Claimants/Decree Holder in place and instead of L & T Finance Limited, the Original Claimants/Decree Holder.

*“(b) that the Applicant be allowed to carry out amendment to the Execution Application and all other proceedings as per **Schedule-I** annexed hereto.”*

2. Learned Counsel appearing on behalf of the Applicant today files two Affidavits viz. one is the Affidavit placing on record Deeds Assignment pursuant to which the facilities that were granted initially by the Claimant/Decree Holder (L & T Finance Ltd.) came to be assigned to the Applicant herein, and another is Affidavit of Service.

3. Since the Deeds of Assignment were not annexed to the present Interim Application, this Court by an order dated 24th July 2023 had granted leave to the Applicant to file the same accompanying with the Affidavit proving the service on the Claimant.

4. Learned Counsel for the Applicant today in compliance with the said order filed the said Affidavit annexing the Deeds of Assignment as also the Affidavit of proving service upon the Decree Holder/Original Claimant.

5. Despite being served, none appears on behalf of the Decree Holder/Original Claimant. I, therefore find that there is no opposition to the present Interim Application. Hence the said Interim Application deserves to be allowed as prayed for. Therefore, the Interim Application is allowed in terms of prayer clauses (a) and (b) as already reproduced above.

6. The Applicant is granted two weeks' time to carry out the necessary amendments.

7. The present Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)