

K.S. Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**INTERIM APPLICATION NO. 307 OF 2022
IN
COMMERCIAL EXECUTION APPLICATION (L) NO. 29193 OF 2021**

Vishal Kedia

**...Applicant/Decree Holder
Original Plaintiff**

Versus

Sureshkumar S. Bafna

**...Respondent/Judgment Debtor/
Original Defendant**

Ms. Kavisha Shah i/b India Law Alliance, Advocate for Applicant/Decree Holder/Original Plaintiff.

Mr. Vivek Kantawala a/w Mr. Amey Patil a/w Vivek M. Sharma i/b M/s Vivek Kantawala & Co., Advocate for Respondent/Judgment Debtor/Original Defendant.

CORAM : R.I. CHAGLA J.

DATE : 3RD APRIL, 2023.

ORDER :

1. The matter has been placed for compliance by order dated 2nd March, 2023. By the said order, last opportunity had been given to the Judgment Debtor to make payment of balance amount of Rs.98 Lakh together with interest at 6% p.a. from 1st February, 2023 to the Decree Holder and time had been extended to 31st March, 2023. It

was made clear that in the event, the payment is not made by 31st March, 2023, the Decree Holder is entitled to execute the Decree by attaching Flat No.93, Darya Mahal-A, 80 Napean Sea Road, Mumbai – 400 006.

2. Mr. Vivek Kantawala, learned Counsel appearing for the Judgment Debtor has today handed over two Demand Drafts, one of Rs.98 Lakh which is balance amount and another for Rs.1,25,000/- which is interest of 6% p.a. from 1st February, 2023 to Ms. Kavisha Shah, Counsel for the Decree Holder in Court. Though time was granted till 31st March, 2023, the time is extended till today. By handing over of the two Demand Drafts, the decree stands satisfied.

3. In view thereof, the direction to execute the Decree by attaching Flat No.93, Darya Mahal-A, 80 Napean Sea Road, Mumbai – 400 006, vide order dated 20th October, 2022 and pursuant to which the Affidavit of two sons of the Judgment Debtor has been filed, whereby they have stated on oath that they are the joint owners of the said flat and in the event the Judgment Debtor is unable to pay the decretal amount within the indicated date, then the said Flat can be sold under orders passed by this Court to the extent of recovery of the decretal amount with interest and which Affidavit dated 20th

October, 2022 was taken on record and put in a sealed cover, is recalled.

4. The office is directed to return the Affidavit dated 20th October, 2022 to the Judgment Debtor.

5. The Execution Application (L) No.29193 of 2021 is accordingly disposed of

6. Interim Application filed therein does not survive and is accordingly disposed of.

[R.I. CHAGLA J.]