

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

Writ Petition No. 14052 of 2024

Gharda Chemicals Ltd. ... Petitioners.

V/s.

Rangrasayan Partnership Firm ... Respondents.

With

Writ Petition No.14053 of 2024

Gharda Chemicals Ltd. ... Petitioners.

V/s.

S.V.S. Chemical Corporation ... Respondents.

Mr. Surel Shah, Senior Advocate a/w. Mr. Chaitanya Nikte a/w. Mr. S.A.K. Najames-sani i/b. Maneksha and Sethna	Advocate for the Petitioners.
Mr. Amrut M. Vernekar a/w. Mr. Suraj S. Ghogare	Advocate for Respondent No.1

CORAM : S.M. MODAK, J

DATE : 16 October 2024.

P.C. :

On the basis of a praecipe moved on behalf of the Petitioner, these two matters are taken on Board.

2. I have heard learned Senior Advocate Shri Shah for the Petitioner and learned Advocate for Respondent No.1/deGREE holder.

In these two petitions orders passed by the executing Court on Exhibit 78 and 79 are challenged. There was a request for staying the execution of the attachment warrant. The executing Court as per two orders on 1 December 2023 and 28 March 2024 has rejected the prayer. Such orders are passed in separate execution proceedings.

3. The execution was filed in pursuance to the money decree. Admittedly, the Petitioner was not the judgment debtor. The judgment debtor has not deposited the decretal amount. In the meantime, the judgment debtor has sold away the property which is purchased by the present petitioner. That is why decree holder got attachment warrant of the said property. The property was going to be sold.

4. Those two orders were challenged by the Petitioners by way of two separate appeals which were dismissed and even the second appeal is also disposed of as per the order dated 20 August 2024. The Petitioner has deposited the decretal amount before the executing Court. The Petitioner was granted liberty to challenge those orders that is why present writ petitions are filed. There was a restraint from withdrawing the amount for a period of four weeks. It was extended on 18 September 2024 and it is expiring today.

5. During the arguments some suggestions have come about remanding the matter. However, there is no consensus and hence

both these writ petitions be kept on **26 November 2024**. Till that time, let the executing court not to allow decree holder to withdraw the amount.

(S.M. MODAK, J.)