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

NOTICE NO.146 OF 2019

IN

EXECUTION APPLICATION NO.2148 OF 2018

The Board of Trustees of the Port of Bombay ...Applicant /
Petitioner

Versus

M/s. Meghdoot Plastic Corporation ...Respondent

Sweta P. Jalgaonkar i/b. M.V. Kini for the Decree Holder.

CORAM : R.I. CHAGLA J.

DATE : 9TH JANUARY, 2024.

ORDER :

1. The learned Counsel appearing for the Applicant / Decree Holder has sought leave to withdraw the Execution Application. She has tendered an Affidavit of the Applicant / Decree Holder dated 9th January, 2023 which has been signed by the Advocate for the Applicant as well as verification clause has been signed by the deponent of the Affidavit. By the said Affidavit, the Applicant / Decree Holder has mentioned that steps taken to serve

the Defendants the Notice under Order 21 Rule 22 through bailiff were taken but the Notice could not be served as the office of the Defendant was not found. The Applicant / Decree Holder has checked the online available database for properties / address of Defendants on MCA and ROC websites but present whereabouts of Defendant are not traceable.

2. In view of various attempts made to find new address of the Defendant but the whereabouts of Defendant not being traceable and the matter is unfruitful. The Applicant / Decree Holder is thus desirous of withdrawing the Execution Application.

3. The Affidavit of the Applicant / Decree Holder dated 9th January, 2023 is taken on record.

4. In view thereof, the Execution Application is disposed of as withdrawn.

5. The Notice No.146 of 2018 does not survive and is accordingly disposed of.

6. Liberty is granted to the Applicant / Decree Holder, in the event the whereabouts of the Defendants are known to file fresh Execution Application.

[R.I. CHAGLA J.]