

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

EXECUTION APPLICATION NO.18 OF 2017

Kotak Mahindra Bank Limited	... Applicant
Vs.	
Neel Enterprises and anr.	... Respondents

**WITH
EXECUTION APPLICATION NO.326 OF 2017
WITH
EXECUTION APPLICATION NO.327 OF 2017
WITH
EXECUTION APPLICATION NO.328 OF 2017
WITH
EXECUTION APPLICATION NO.329 OF 2017
WITH
EXECUTION APPLICATION NO.330 OF 2017
WITH
EXECUTION APPLICATION NO.331 OF 2017
WITH
EXECUTION APPLICATION NO.332 OF 2017
WITH
EXECUTION APPLICATION NO.333 OF 2017
WITH
EXECUTION APPLICATION NO.334 OF 2017
WITH
EXECUTION APPLICATION NO.336 OF 2017
WITH
EXECUTION APPLICATION NO.338 OF 2017
WITH
EXECUTION APPLICATION NO.339 OF 2017**

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 Ms. Bijal Gogri i/by M/s O. M. Gujar Law Chambers, Advocate for the
 Applicants.
 None for the Respondents.

CORAM : ABHAY AHUJA, J.

DATE : 18 APRIL, 2024.

PC. :

1. These Execution Applications have been listed for dismissal under Rule 329 of the High Court Original Sides Rules, 1980.

2. On 4th April, 2024, the following order was passed :

“1. These matters were on board today for dismissal under Rule 329 of the Bombay High Court (Original Side) Rules, 1980 since no steps have been taken by the Claimant/Decree Holders for twelve months from the date of filing of the captioned Execution Applications. Rule 329 of the Bombay High Court (Original Side) Rules, 1980 provides as follow;

“R.329. Non-prosecution of application for execution----
When a party does not proceed with the application for execution for a period of twelve months from the date of filing of application, the Prothonotary and Senior Master shall place application before the Judge in Chambers for dismissal for want of prosecution. The Judge may pass such orders thereon as he may think.

2. Learned counsel appearing for the Applicants, however, makes a request for one last chance in order to obtain instructions from the Claimants as to whether the Claimants are desirous of proceeding with these Execution Applications.

3. Hence at the request of learned counsel for the Claimants, as and by way of absolute last chance, these Execution Applications are adjourned for a period of two weeks. Stand over to **18th April 2024.**”

3. Today when the matters are called out, Ms. Bijal Gogri, learned counsel appears for the Applicants and once again seeks time as a last chance.

4. It is observed from the order dated 4th April, 2024 that an absolute last chance was granted and the matters were stood over to today. Therefore, no further time can be granted. The party has not proceeded with the Applications for execution for a period of more than twelve months from the date of filing those Applications. I do not think any useful purpose would be served in keeping these Applications pending, as no instructions have been received by the learned Advocate for the Applicants till date.

5. Accordingly, the Execution Applications stand dismissed under Rule 329 of the High Court Original Sides Rules, 1980.

(ABHAY AHUJA, J.)