

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

COURT RECEIVER REPORT NO.71 OF 2024
IN
EXECUTION APPLICATION (L) NO.27838 OF 2022

SUREKHA DILIP GAWAND & ORS.) ORIGINAL PLAINTIFFS

V/s.

PARAS SUNDERJI DEDHIA AND ANR.) JUDGMENT DEBTORS

WITH
EXECUTION APPLICATION (L) NO.394 OF 2023
WITH
INTERIM APPLICATION NO.374 OF 2023
IN
EXECUTION APPLICATION (L) NO.394 OF 2023
WITH
INTERIM APPLICATION NO.374 OF 2023
IN
EXECUTION APPLICATION (L) NO.394 OF 2023
WITH
INTERIM APPLICATION NO.549 OF 2023
IN
SUIT NO.48 OF 2023
WITH
INTERIM APPLICATION (L) NO.3188 OF 2024
IN
COMMERCIAL SUIT NO.242 OF 2021
WITH
EXECUTION APPLICATION NO.1741 OF 2022
WITH
CONTEMPT PETITION NO.106 OF 2019
IN
SUIT NO.440 OF 2018
WITH
CONTEMPT PETITION NO.61 OF 2019
IN
NOTICE OF MOTION NO.693 OF 2018
WITH

COUNTER CLAIM (L) NO.6422 OF 2022
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION (L) NO.7447 OF 2022
IN
COUNTER CLAIM (L) NO.6422 OF 2022
WITH
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION NO.1804 OF 2023
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION NO.3385 OF 2023
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION (L) NO.24681 OF 2023
IN
SUIT NO.388 OF 2022
WITH
CONTEMPT PETITION (L) NO.26144 OF 2023
IN
SUIT NO.388 OF 2022
WITH
COUNTER CLAIM (L) NO.6422 OF 2022
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION (L) NO.2041 OF 2024
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION (L) NO.36089 OF 2023
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION (L) NO.1684 OF 2021
IN
SUIT NO.388 OF 2022

WITH
INTERIM APPLICATION NO.1804 OF 2023
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION (L) NO.3831 OF 2024
IN
INTERIM APPLICATION NO.1804 OF 2023
WITH
INTERIM APPLICATION NO.5049 OF 2022
IN
SUIT NO.302 OF 2021
WITH
INTERIM APPLICATION NO.209 OF 2022
IN
SUIT NO.302 OF 2021
WITH
INTERIM APPLICATION NO.3385 OF 2023
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION NO.208 OF 2022
IN
SUIT NO.302 OF 2021
WITH
INTERIM APPLICATION NO.4710 OF 2022
IN
COMMERCIAL SUIT NO.242 OF 2021
WITH
INTERIM APPLICATION (L) NO.24681 OF 2023
IN
SUIT NO.388 OF 2022
WITH
APPEAL (L) NO.2121 OF 2024
IN
INTERIM APPLICATION (L) NO.24681 OF 2023
WITH
CONTEMPT PETITION (L) NO.26144 OF 2023
IN
SUIT NO.388 OF 2022
WITH

**SUIT NO.69 OF 2024
WITH
INTERIM APPLICATION (L) NO.27924 OF 2023
IN
SUIT NO.69 OF 2024
WITH
INTERIM APPLICATION (L) NO.27960 OF 2022
IN
EXECUTION APPLICATION (L) NO.27838 OF 2022
WITH
CONTEMPT PETITION NO.7 OF 2020
IN
SUIT NO.173 OF 2018
WITH
INTERIM APPLICATION (L) NO.31598 OF 2022
IN
EXECUTION APPLICATION (L) NO.4566 OF 2022
WITH
INTERIM APPLICATION (L) NO.34202 OF 2023
IN
EXECUTION APPLICATION (L) NO.34196 OF 2023**

Mr.Paras Gosar i/b Ms. Swati N. Chheda, Advocates for the Applicant/Plaintiff in IAL/27924 in SL/27920/2023.

Mr.Malcolm Siganporia a/w Ms.Kinjal Kakkad i/b. Mr.Jayesh R. Vyas, Advocates for the Plaintiff in Suit No.388/2022 and for the Applicant in EXA(L)/394/2023 and IA/374/2023 in EXA(L)/394/2023, EXA/1741/2022, CONP/61/2019, CC(L)/6422/2022, IA/1804/2023, IA/3385/2023, IA(L)-24681/2023 in S/388/2022 for Applicant/Plaintiff, CONPL/26144/2023, CC(L)/6422/2022, IA(L)/2041/2024, IA(L)/36089/2023 in S/388/2022 for the Applicant/Plaintiff, IA(L)/1689/2021 in S/388/2022, IA(L)/1804/2023 in S/388/2022, IA(L)/3831/2024 in IA/1804/2023, IA(L)/3385/2023 in S/388/2022 and APP(L)/2121/2024 in IA(L)/24681/2023.

Ms.Neeta Jain a/w Mr. Dhrumil C. Shah i/b. Lex Services, Advocates for the Applicant/Plaintiff in IAL/3188/2024 a/w. IA/4710/2022 in COMS/242/2021.

Ms.Shweta Nisar i/by Mr.C.J.Doveson, Advocate for the Contemnor.
Mr.Manoj Harit a/w. Ms.Pooja Harit i/by Manoj Harit & Co., Advocate
for the Intervenor in IA/3831/2024.

Mr.Dhaval Visawadia i/b Harakchand & Co., Advocate for the Plaintiff
in Suit No.48/2023 and Suit No.302/2021.

Mr.Aadil Parsuramporia i/b Mr. Mehul Rathod, Advocates for
Applicants/Decree Holders in IAL/27960/2022, IAL/31598/2022 and
IAL/34202/2023.

Mr.Gunjan Shah a/w. Ms.Vidhi Jain i/by Mr. K.P. Shah, Advocates for
the Defendants No.1 and 2 in all matters.

Mr.S.K.Dhekale, Court Receiver, present in Court.

Mr.Amit Palkar, Addl.Public Prosecutor for the State.

CORAM : ABHAY AHUJA, J.

DATE : 27th MARCH 2024

PC. :

1. Mentioned out of turn.
2. This matter has been listed at Serial no.59. The concerned Counsel in the matter have mentioned this matter out of turn submitting that although pursuant to order dated 20th March 2024 there was a direction to N.M.Joshi Marg Police Station to execute the non-bailable warrant issued against the Judgment Debtor Mr.Paras Dedhia, to arrest him and to secure his presence in the Court today, however, he is not present in the Court despite orders of this Court.

3. The learned Registrar of the Execution Department was therefore requested to ascertain whether the non-bailable warrant was executed or not and whether any service report had been received and the matter was kept back. Later on, when the matter is once again called out, this Court is shown a report dated 27th March 2024 with respect to the service of the non-bailable warrant issued pursuant to order dated 20th March 2024 and it is submitted that the office of the Prothonotary and Senior Master has received a report dated 26th March 2024 from the office of Senior Inspector of Police, N.M.Joshi Marg Police Station, Lower Parel, Mumbai, submitting that one Police Constable had visited the address of Mr.Paras Sunderji Dedhia at Flat No.B/2702, 27th Floor, Lodha Marquise, The Park, B Wing, Senapati Bapat Marg, Lower Parel, Mumbai – 400 013, however, Mr.Dedhia was not found at the said address and therefore the non-bailable warrant of arrest issued against Mr.Dedhia has been returned unexecuted.

4. Mr.Shah, learned Counsel, who has been representing Mr.Paras Dedhia, submits that Mr.Paras Dedhia is in Mumbai, however, despite Mr.Shah's advice to remain present in Court to comply with order dated 20th March 2024, Mr.Dedhia has chosen not to remain present in Court

and therefore he would be taking a discharge in the matter. It is quite surprising that despite Mr.Dedhia being in Mumbai, the non-bailable warrant of arrest has been returned unexecuted.

5. The learned Counsel present for the Plaintiffs as well as the Applicants in the various applications, therefore, fervently urge this Court to not only secure Mr.Paras Dedhia's presence in Court by executing non-bailable warrant or any other warrant of similar nature but also to issue look out circular to ensure that Mr.Paras Dedhia does not leave Mumbai or the country bringing to naught any hopes of their respective clients.

6. In this fact situation, this Court had requested the Public Prosecutor / Additional Public Prosecutor (APP) in-charge of N.M.Joshi Marg Police Station to attend this Court. The learned APP submits that if this Court extends the time to execute the non-bailable warrant, the learned APP would advise the Senior Police Inspector of N.M.Joshi Marg Police Station to take steps to execute the non-bailable warrant against Mr.Paras Dedhia and to arrest him and to secure his presence in Court on the next date.

7. Having heard the learned Counsel as well as the learned APP, this Court extends the time for execution of the non-bailable warrant and directs the Senior Police Inspector of N.M.Joshi Marg Police Station to execute the non-bailable warrant against Mr.Paras Sunderji Dedhia, as a standing warrant of arrest and arrest him wherever found and to produce him before this Court on 1st April 2024 at 10.30 a.m. The Senior Inspector of Police, N.M.Joshi Marg Police Station also to remain present in Court on 1st April 2024 along with Mr. Paras Sunderji Dedhia.

8. Further, considering the brazen conduct of Mr.Paras Sunderji Dedhia, as recorded in orders of this Court and not only breaching undertaking furnished to this Court to remain present on every listing but also avoiding this Court despite orders and also considering the submissions by the learned Counsel as above, this Court directs the Commissioner of Police, Mumbai, not only to render all necessary assistance for execution of the non bailable standing warrant as above but also have a look out circular issued against Mr.Paras Sunderji Dedhia to ensure that he does not leave the city of Mumbai or the country and that his presence is secured in this Court on the next date.

9. Registry is directed to expeditiously communicate this order to the Commissioner of Police, Mumbai.
10. Let a copy of this order also be furnished to all concerned and all concerned to act on an authenticated copy of this order.
11. List on **1st April 2024, First on Supplementary Board.**

(ABHAY AHUJA, J.)