

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
COMMERCIAL EXECUTION APPLICATION NO.37 OF 2022
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.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.Poonam Utekar 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.Keshav Borhade, Advocate for the Applicant in COMEX/37/2022.

Mr.Anand Mishra a/w. Mr.Amit Dubey, Advocate for the Respondent no.1 in EXA(L)/394/2023, Contempt Petition No.61/2019, Suit No.388/2022 and Suit No.302/2021.

Ms.Charushila Vaidya, 2nd Assistant to Court Receiver, Court Receiver's Office, present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 25th APRIL 2024

PC. :

1. Pursuant to order dated 10th April 2024, today when the matter is called out, this Court is informed by Mr.Mishra along with Mr.Dubey, that Mr.Dubey, learned Counsel, has filed Vakalatnama on behalf of the Judgment debtor no.1/Defendant no.1 in Execution Application (L) No.394 of 2023, Contempt Petition No.61/2019, Suit No.388 of 2022 and Suit No.302 of 2021.

2. Mr.Siganporia, once again, seeks some more time to file reply to the disclosure affidavits dated 16th January 2024 and 11th March 2024. Ms.Jain informs that her clients have already filed reply to the said

disclosure affidavits. Let replies and rejoinders be filed by the next date with a copy to the other side without fail.

3. As far as Commercial Execution Application No.37 of 2022 is concerned, Mr.Borhade informs this Court that his client has entered into Consent Terms with Mr.Harit's client, the proposed intervenor, and that, his matter be de-tagged from the rest of the matters and be listed beyond vacation. Accordingly, list this matter on **20th June 2024**.

4. Mr.Siganporia, who appears for the Applicant in Interim Application No.374 of 2023 in Execution Application (L) No.394 of 2023 and Mr.Parsuramporia, who appears for the Applicant in Interim Application (L) No.27960 of 2022 in Execution Application (L) No.27838 of 2022, submit that, pursuant to earlier orders of this Court, the Judgment debtors were to execute agreements for sale with the Applicant(s), which, however, has not been done, and therefore, in view of the provisions of Order XXI Rule 34 of the Code of Civil Procedure, 1908 (the "CPC"), upon failure, neglect or refusal of the Judgment debtor to do so, the Decree holder is entitled to prepare a draft and deliver it to the Court, and thereafter, the Court may have the same, in accordance with the procedure in the said Rule, executed and

registered, and that, this Court may accordingly direct the same, in as much as, the Judgment debtors in these matters have failed to execute the agreements.

5. It is clear from Order XXI Rule 34 of the CPC that in the event the Judgment debtor neglects or refuses to obey the decree, the Decree holder may, by following the procedure in the said Rule, have the same executed and registered through the Court officer.

6. Registry to accordingly take steps in accordance with Order XXI Rule 34 of the CPC in respect of the two Applications.

7. List on **20th June 2024**.

(ABHAY AHUJA, J.)