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

INTERIM APPLICATION NO.11 OF 2024
IN
COMMERCIAL EXECUTION APPLICATION NO. 1374 OF 2018

NISHANT KANODIA ...APPLICANT
V/s.
SAVANNAH LIFESTYLE PVT LTD AND ORS ...RESPONDENTS

Mr. Mutahhar Khan a/w Ms. Sanjana Khatri i/b Advani & Co., Advocates for the Applicant.
Mr. Veerendra Tulzapurkar Senior Advocate a/w Ms.Shruti Maniar, Ms. Kashmita Belewalkar i/b M/s. Solomon & Co., Advocate for the Respondents.

CORAM : ABHAY AHUJA, J.
DATE : 3rd OCTOBER, 2024

P.C. :

1. This matter had been heard in the morning session and had been kept back as the learned Senior Counsel for the Judgment Debtors and the learned Counsel for the Applicant had sought some time to tender a consent minutes of order.

2. When the matter was called out in the afternoon session, this Court was informed that the draft consent minutes were being worked

out and the matter was kept back at 04:30 p.m. At 05:45 p.m. when the matter is once again called out, Mr. Khan, learned Counsel tenders across the bar consent minutes of order dated 3rd October, 2024. However, it is noted that the said consent minutes are signed only by the Advocate for the Applicant. Upon inquiring from the Advocate for the Respondents No.1 and 2, as to why they have not signed the same, this Court is informed that the entire payment has already been made to the Applicant and that therefore, the said consent minutes which records that payment of Rs.34,36,861/- is to be made within 1 week from the date of issuance of the duplicate share certificates is not acceptable to the Judgment Debtors.

3. This was the very understanding which was accepted by the learned Senior Counsel for the Judgment Debtors on the basis of which the draft consent minutes of order has been drawn up and now this Court is being informed that no payment is due and payable. Mr.Tulzapurkar, learned Senior Counsel for the Respondents had submitted in the morning session, that once duplicate share certificates are issued with respect to the 500 shares in the name of the Respondent No.2, the balance of the interest that would remain outstanding to be paid to the Applicant would be paid. Now, when the

minutes are drawn up containing the said understanding, the Advocate appearing for the Judgment Debtors seeks to resile from the said understanding. In my view, such an approach is completely unethical and unacceptable. However, considering the fact that the Advocate has resiled from the submissions made in the morning sessions, this Court cannot accept the draft of the minutes of the order. Accordingly, list this matter on **4th October, 2024,** First on Board for hearing on the issue of interest.

4. The Respondent No.2 is directed to remain present in Court tomorrow. It is made clear that irrespective or whether the Respondent No.2 remains present or not or is represented or not in the Court tomorrow, this Court will hear the matter on the basis of the pleadings of the Advocate's present and pass appropriate orders.

(ABHAY AHUJA, J.)

KIRAN SANJAY GHUGE Digitally signed by KIRAN SANJAY GHUGE Date: 2024.10.03 19:02:37 +0530