

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

INTERIM APPLICATION NO.63 OF 2024
IN
EXECUTION APPLICATION (L) NO.30498 OF 2023

KOTAK MAHINDRA BANK LIMITED)...APPLICANT

IN THE MATTER BETWEEN

KOTAK MAHINDRA BANK LIMITED)...APPLICANT

V/s.

VINOD MEWADA S/O. PREM SINGH & ANR.)...RESPONDENTS

Ms.Rahila Memon a/w. Ms.Nehal Deshmukh i/by S.I.Joshi & Co.,
Advocate for the Applicant.

None for the Respondents.

CORAM : ABHAY AHUJA, J.

DATE : 3rd APRIL 2024

PC. :

1. This Interim Application seeks execution of arbitral award dated 29th November 2017 directing the Respondents to jointly and severally pay the Applicant Rs.6,41,276/- along with interest.

2. Ms.Memon, learned Counsel, appears for the Applicant and submits that no payment has been made till date. That, the Respondents have been served on 28th November 2023. Ms.Memon,

therefore, seeks relief in terms of Prayer clauses (b) and (g), which read thus :

“(b) That the Defendants above named be required by an order of this Hon’ble Court to file their Affidavit stating particulars of their properties etc., as provided under Order 21 Rule 41 of the Code of Civil Procedure, 1908 since the Decree/Award dated 29.11.2017 passed by the Learned Arbitral Tribunal has remained unsatisfied for more than 30 days from the date of its passing.

(g) That the Defendants be directed to disclose their means on affidavit for satisfying the decree of the Plaintiffs under execution as per Section 51 of the Code of Civil Procedure.”

3. None is present for the Respondents, though served.
4. Having heard the learned Counsel and having perused the Application, this Court deems it appropriate to grant relief in terms of Prayer clauses (b) and (g) be granted.
5. Let the Respondents file affidavits of disclosure on oath in terms of Prayer clauses (b) and (g) within a period of four weeks.
6. Let a copy of this order be served upon the Respondents and an appropriate affidavit of service be filed by the next date.
7. List on **8th May 2024**.

(ABHAY AHUJA, J.)