

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

INTERIM APPLICATION NO.716 OF 2024
IN
EXECUTION APPLICATION NO.503 OF 2024

INDUSIND BANK LIMITED)...APPLICANT

V/s.

ARTEDZ FABS PRIVATE LIMITED AND OTHERS)...RESPONDENTS

Ms.Divya Waghela i/by O.M.Gujar Law Chambers, Advocate for the
Applicant.

None for the Respondents.

CORAM : ABHAY AHUJA, J.

DATE : 24th APRIL 2024

PC. :

1. This Interim Application seeks execution of arbitral award dated 29th January 2022, pursuant to which, the Respondents no.2 and 3 were directed to pay the Applicant Rs.29,28,226.39 together with interest.

2. Ms.Waghela, learned Counsel, submits that the Respondents no.2 and 3 have been deemed to be served as the packets have been returned with the remark “refused”. Learned Counsel presses for

avk

1/2

disclosure in terms of Prayer clauses (b) and (e), which read thus :

“(b) That the Respondents No.2 and 3 above named be required by an order of this Hon’ble Court to file his Affidavit stating particulars of his properties etc., as provided under Order 21 Rule 41 of the Code of Civil Procedure, 1908.

(e) That the Respondents No.2 and 3 be directed to disclose their means on affidavit for satisfying the decree of the Applicant under execution as per Section 51 of the Code of Civil Procedure.”

3. None is present on behalf of the Respondents no.2 and 3, though deemed to be served, as they have refused to accept service.

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 (e) as above.

5. Let the Respondents no.2 and 3 file affidavits of disclosure within a period of four weeks in terms of the above prayer clauses.

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 **3rd July 2024**.

(ABHAY AHUJA, J.)