

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

INTERIM APPLICATION NO. 929 OF 2024
IN
EXECUTION APPLICATION (L) NO. 6622 OF 2024

Capital India Home Loans Ltd.

...Applicant

V/s.

Shrawan Kumar Agarwal and Ors.

...Respondents

Ms. Divya Waghela i/b GNP Legal for Applicant.

None for the Respondents.

CORAM : ABHAY AHUJA, J.
DATE : 2nd MAY, 2024

P.C. :

1. This Interim Application seeks execution of arbitral award dated 31st January, 2022, pursuant to which the Respondents were directed to pay to the Applicant a sum of Rs.29,85,903/- along with interest.

2. Ms. Waghela, learned Counsel, appears for the Applicant and submits that no payment has been received by the Applicant till date and that the Respondents are deemed to have been served as they have refused to accept the packets. Learned Counsel draws the attention of this Court to the affidavit of service dated 17th April, 2024 in support of her contention. Learned Counsel therefore, seeks reliefs in terms prayer

Clauses (b) and (d), which read thus :

“(b) That the Respondents above named be required by an order of this Hon’ble Court to file his Affidavit stating particulars of his properties/assets being movable, immovable, unencumbered properties Salary details etc., as provided under Order 21 Rule 41 of the Code of Civil Procedure, 1908.

(d) That the Respondents 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. The Respondents, though deemed to be served, are not represented.

4. Having heard the learned Counsel and having considered the submissions, this Court deems it appropriate to grant reliefs in terms of Prayer clauses (b) and (d) as above.

5. Let affidavit of disclosure, on oath, in terms of Prayer clauses (b) and (d) be filed by the Respondents 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 **4th July, 2024**.

(ABHAY AHUJA, J.)