



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

**INTERIM APPLICATION NO.1863/2024
IN
EXECUTION APPLICATION NO.503 OF 2015**

KOTAK MAHINDRA BANK LTD. ..APPLICANT
VS.
ARYA DIAMOND JEWELLERY I. PVT.LTD...RESPONDENT

Adv. Nehal Deshmukh i/b. S. I. Joshi & Co. for applicant.

CORAM : Rajesh S. Patil, J.

DATE : July 2, 2024.

P.C. :

1. This Interim Application is filed to amend the Execution Application as per the schedule annexed and also to permit the applicant to file additional affidavit in support of the Execution Application.

2. It is the case of the applicant that by Deed of Assignment dated 31 March 2017, the right, title and interest with underlying security and financial documents, pertaining to the respondents-judgment debtors have been assigned to applicant (Kotak Mahindra Bank Ltd.) by the assignor. Hence, the applicant has become the absolute owner of the said account and are entitled to recover the

outstanding dues from the respondents-judgment debtors and also to continue the litigation pending and/or to file fresh litigation against the respondents-judgment debtors.

3. The amendment for substitution was carried out in terms of the order dated 26 July 2019 and 3 January 2020 in the Execution Application. However, in the rider for amendment, inadvertently it was mentioned that “the Assignee of original Award holder, Bajaj Finance Ltd. having its office at 4th floor, Bajaj Finserve Corporate office at of Pune Ahmednagar Road, Viman Nagar, Pune – 411 014” in place of ***“the Assignee of original Award holder, Magma Fincorp Ltd. a Company duly incorporated under the Companies Act, 1956 carrying on business and having its registered office at Magma House, 24, Park Street, Kolkata - 700 016.”***

4. After the applicant realised inadvertent mistake, the present Interim Application is filed to amend/correct the title of the Execution Application and the title of the Interim Application filed for “Disclosure”.

5. Heard.

6. I have gone through the contents of the Interim

Application, and I am satisfied that the case is made out to allow this Interim Application. The Interim Application is allowed in terms of prayer clauses (a) and (b).

7. Amendment to be carried out within a period of three weeks from today.

8. Interim Application is disposed of.

(Rajesh S. Patil, J.)