

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

INTERIM APPLICATION NO.2653 OF 2024
IN
EXECUTION APPLICATION (L) NO.22152 OF 2024

Avanse Financial Services Ltd ...Applicant

V/s.

Balaji Educational Society and Ors ...Respondents

Ms. Bijal K. Gogri i/b GNP Legal, Advocate for the Applicant.
None for the Respondents.

CORAM : ABHAY AHUJA, J.
DATE : 28th NOVEMBER, 2024

PC. :

1. This Interim Application seeks execution of arbitral award dated 5th December, 2022, pursuant to which the Respondents were directed to pay to the Applicant a sum of Rs. 12,70,541/- comprising of outstanding installments, overdue interest, costs of arbitration with further interest.

2. Ms. Gogri, learned Counsel appears for the Applicant and submits that no payment has been received by the Applicant till date. That, the Respondents have been served and this Court grant prayer of disclosure in terms of 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 such as immovable properties, bank balance, other assets, investments of the Respondents 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. None appears for the Respondents, though served.
4. Having heard the learned Counsel and having considered the submissions, this Court is of the view that relief in terms of prayer Clauses (b) and (d) be granted.
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 **8th January, 2025.**

(ABHAY AHUJA, J.)