

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

**INTERIM APPLICATION NO. 2672 OF 2024
IN
EXECUTION APPLICATION (L) NO. 23783 OF 2024**

L & T Finance Ltd.

...Applicant

V/s.

Shraddha Tractors & Anr.

...Respondents

Ms. Nehal Deshmukh with Mr. Reet Jain i/b S. I. Joshi & Co., Advocate
for the Applicant.

CORAM : ABHAY AHUJA, J.
DATE : 23rd OCTOBER, 2024

PC. :

1. This Interim Application seeks execution of arbitral award dated 15th September, 2023, pursuant to which the Respondents were jointly and severally directed to pay to the Applicant a sum of Rs. 5,14,955/- comprising of amount of outstanding installments, overdue interest, costs of arbitration with further interest.

2. Ms. Deshmukh, learned Counsel appears for the Applicant and submits that the Respondent No.1 is a sole proprietary concern and Respondent No.2 is a sole proprietor of the Respondent No.1. That, despite an attempt to serve the Respondents, the Respondent No.2 has refused to accept the service. Ms. Deshmukh draws the attention of this

Court to affidavit of service dated 20th August, 2024, which indicates that the packet has been returned with a remark “refused” and therefore, this Court grant prayer of disclosure in terms of prayer Clauses (b) and (g), which read thus :

“(b) That the Defendants abovenamed 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 15.09.2023 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 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 (g) be granted.
5. Let affidavit of disclosure on oath in terms of prayer clauses (b) and (g) be filed by the Respondent No.1 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 15th January, 2025.

(ABHAY AHUJA, J.)