

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

INTERIM APPLICATION NO. 3695 OF 2024
IN
EXECUTION APPLICATION NO. 429 OF 2006

Jayesh Sanghrajka, Resolution Professional
of Nirmal Lifestyle Realty Pvt. Ltd. ...Applicant
In the matter between
Sudhakar Shetty ...Plaintiff
V/s.
Ralliwolf Limited ...Defendant

Mr. Shyam Kapadia with Ms. Shikha Ginodia, Mr. Gaurav Suryavanshi
and Mr. Kartikeya Awasthi i/b ANM Global for the Applicant.
Mr. R. U. Dholakia for the Plaintiff/Respondent.

CORAM : ABHAY AHUJA, J.
DATE : 19th DECEMBER, 2024

PC. :

1. This Interim Application seeks the following prayers:-

“(a) This Hon’ble Court be pleased to vacate/cancel/rescind/lift forthwith the Warrant of Attachment dated 19th September, 2006 issued under Order XXI, Rule 54 of the Code of Civil Procedure, 1908 by this Hon’ble Court in respect of the said property i.e. all those pieces and parcels of land admeasuring approximately 20,262.40 square meters (as per the Property Registered Card), bearing C. T. S. Nos. 547 and 547/1, 547/2, 547/3, 547/4, 547/5 and 547/6, lying, being and situate at L. B. S. Marg, Mulund West, Village Nahur, within the Registration Sub-District of Kurla and District Mumbai, together with buildings and structures constructed thereon.”

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2. Mr. Kapadia, learned Counsel appearing for the Applicant would submit that in view of the fact that the entire claim of the Plaintiff for Rs. 1,24,64,066/- has been admitted in full and the Resolution plan and the plan approval order provides for making payment of the said amount to the Plaintiff, this Court cancel and lift the warrant of attachment dated 19th September, 2006 as prayed for.

3. Mr. Dholakia, learned Counsel appearing for the Respondent tenders across the bar an email dated 19th December, 2024 from the proprietor of the Claimant before the Resolution Professional submitting that the Plaintiff has consented to allowing the Interim Application, subject to receiving payment of his entire dues.

4. Mr. Kapadia submits that the monies have already been transferred to the account of the corporate debtor managed by the Applicant-Resolution Professional and the said amount of Rs. 1,24,64,066/- would be deposited in the account of the Plaintiff within a period of two weeks.

5. Accordingly, subject to deposit of Rs. 1,24,64,066/- into the account of the proprietor of the Plaintiff viz. Mr. Sudhakar Shetty,

warrant of attachment dated 19th September, 2006 with respect to the said property is cancelled and the attachment is lifted/raised.

6. The Application is allowed in the above terms and disposed as such.

(ABHAY AHUJA, J.)