

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1728 OF 2025**

Shree Tatyasaheb Kore Warana Sahakari Sakhar Karkhana Ltd	..Petitioner
Versus	
Shivangi Polysack Pvt Ltd	...Respondent

Mr. Nitin Gaware Patil, with Divyesh Jain, for the Petitioner.

**CORAM: N. J. JAMADAR, J.
DATED : 6th FEBRUARY 2025**

P.C.:

1. Heard Mr. Patil, learned Counsel for the Petitioner.
2. The learned Counsel submits that the Petitioner-Judgment Debtor has already filed an Application for setting aside the *ex parte* decree passed in Suit No. 61 of 2021 before the Commercial Court at Ajmer and the said proceeding is likely to be soon listed before the Commercial Court at Ajmer.
3. In the meanwhile to show *bona fide* of Judgment Debtor, the Judgment Debtor is willing to deposit a sum of Rs.21 Lakhs before the executing court and then seek the recall of the order of attachment.
4. In view of the aforesaid submissions and the fact that the Petitioner has already filed an Application for setting aside *ex parte*

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decree, the Petitioner is granted liberty to approach the executing court and seek recall of the order of attachment after deposit of a sum of Rs.21 lakhs before the executing court within a weeks' time.

5. To facilitate the Petitioner-Judgment Debtor make the deposit and file such an Application before the executing Court, the impugned order of attachment of the movables shall not be executed for a period of one week from today.

6. If such an Application is made, it be decided on its own merits and in accordance with law.

7. Petition disposed.

[N. J. JAMADAR, J.]