

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1908 OF 2025

VISHAL
SUBHASH
PAREKAR

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M/s. Arihant Construction

...Petitioner

vs.

Alex Sebastian Dabre

...Respondent

Mr. Shashi Mishra, for the Petitioner.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 13, 2025

P.C:

1. Heard the learned counsel for the petitioner.
2. The challenge in this petition is to an order dated 14th October, 2024 whereby possession warrant has been issued for execution of arbitration award dated 12th April, 2019.
3. By the impugned order, the learned Civil Judge has directed issue of possession warrant upon the deposit of the amount of Rs. 10 lakhs as per award dated 12th April, 2019.
4. The learned counsel for the petitioner invites attention of the Court to clause (vii) of the award which inter alia directed refund of Rs. 10 lakhs to the respondent, the petitioner herein, with simple interest at the rate of 18% p.a. from the date of deposit till payment, within three months of the date of award.
5. It was submitted that under the terms of the award the respondent was ordered to deposit the said amount of Rs. 10 lakhs

along with simple interest @ 18%. However, the learned Civil Judge has directed to deposit a sum of Rs. 10 lakhs only.

6. Today, Mr. Vipul Hasmukhbhai Shah, the Proprietor of Arihant Construction, has filed an affidavit affirming that as per the order dated 14th October, 2024, the respondent has deposited only Rs. 10 lakhs, before the trial Court.

7. In view of the aforesaid affidavit, the execution of the impugned order passed, by the executing Court, on 14th October, 2024, is deferred by a period of three weeks.

8. The executing Court shall ascertain whether the decree holder has deposited the amount with simple interest @ 18% p.a. in terms of clause (vii) of the award and if the said interest component has not been deposited, issue possession warrant only after the said amount of interest is deposited.

9. If the decree holder has already deposited the interest component of 18% p.a., this order shall stand vacated and the petitioner shall be liable for appropriate action.

Petition disposed.

(N. J. JAMADAR, J.)