



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3835 OF 2025**

M/s. Hanuman Developers ... Petitioner
versus
Emerald Woollen Mills Pvt. Ltd. and Ors. ... Respondents

Mr. Cyrus Ardeshir, Sr. Advocate with Mr. Dhruva Gandhi, Ms. Anuja Jhunjhunwala, Ms. Nidhi Singh i/by M. Mulla Associates, for Petitioner.
Mr. Ashok Singh with Mr. Sameer Bothre, for Respondent Nos.1 and 5.

CORAM: N.J.JAMADAR, J.

DATE : 17 MARCH 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to the orders dated 15 September 2023 passed by the learned Civil Judge, Sr. Division, Thane, in Regular Darkhast Application No.6773 of 2019. By an Application (Exhibit 7), the Petitioner-decree holder had prayed for issue of warrant of attachment of the immovable property. By an application (Exh. 12) under Order XXI Rule 41 of the Code of Civil Procedure, 1908, the decree holder sought direction to the judgment debtor to disclose on oath the particulars of its assets, including bank accounts, etc., and also restrain the judgment debtor from dealing with the said assets in any manner whatsoever.
3. The learned Judge rejected both the applications. The application for attachment of the property (Exhibit 7) was rejected on the ground that the

judgment debtor failed to provide details of the immovable properties and it was for the decree holder to proceed further under Order 21. The application for disclosure was rejected on the premise that the application for attachment (Exhb. 7) was already rejected.

4. The impugned orders are bereft of reasons. It would have been in the fitness of things for the learned Judge to first decide the application under Order 21 Rule 41 on its own merits by ascribing reasons, and, thereafter, deal with the application for attachment of the property. By cryptic orders, the applications have been disposed without delving into the issues which warrant determination in such applications and, therefore, the impugned orders cannot be sustained.

5. The Writ Petition stands allowed.

6. The impugned orders stand quashed and set aside.

7. The applications (Exhibits 7 and 12) are restored to file of the executing Court.

8. The executing Court is requested to hear and decide the applications afresh, after providing an opportunity of hearing to all the parties and pass a reasoned order.

(N.J.JAMADAR, J.)