

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 2207 OF 2024

IN

EXECUTION APPLICATION NO. 1441 OF 2025

Kotak Mahindra Bank Limited

... Applicant

Versus

Ferriswheel Entertainment Private Ltd. and others

... Respondents

WITH

EXECUTION APPLICATION NO. 1441 OF 2025

.....

Ms. Rahila Memon instructed by S.I. Joshi & Co., Advocate for the Applicant.

None for the Respondent.

.....

CORAM : ABHAY AHUJA, J.

DATE : 5 AUGUST 2025

P.C. :

1. When the matter is called out, Ms. Memon, learned Counsel, appears for the Applicant and submits that despite service of the order dated 5th May 2025 directing disclosure from the Respondents neither any disclosure has been made nor any payment has been made and that this Court therefore issue show cause notice under Order XXI Rule 37 of the Code of Civil Procedure, 1908 (the “CPC”) or in the alternative direct oral examination of Respondents No.3 and 4 under Order XXI Rule 41 of the CPC.

2. Having heard the learned Counsel and having considered her submissions, this Court is of the view that the Respondents No.3 and 4 being women cannot be ordered to be arrested or detained in civil prison in execution of a money decree and therefore, it would not be possible to consider issuance of notice under Order XXI Rule 37 of the CPC. However, nothing prevents directing the presence of Respondents No.3 and 4 for oral examination under Order XXI Rule 41 of the CPC.

3. Accordingly, the Registry is directed to issue notice to the Respondents No.3 and 4 to remain present in Court for oral examination under Order XXI Rule 41 of the CPC alongwith the necessary books and documents, on the next date, with information as to what debts are owed to them and as to what other properties or means that the said Respondents have for satisfying the decree.

4. List on **2nd September 2025**.

5. Let the Respondents No.3 and 4 remain present in Court on the next date.

(ABHAY AHUJA, J.)