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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMM. ARBITRATION PETITION NO. 27 OF 2025

Aditya Birla Finance Limited

...Petitioner

Versus

Ajay Khatana and Ors.

...Respondents

Ms. Tikshta Modi a/w *Ms. Jenny Somaiya* i/b *Akhil Modi & Associates for the Petitioner.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 30, 2025

PC :

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (for short "***the Act***") in connection with the Loan Agreement dated March 21, 2024 which is secured by mortgage for property more particularly described as follows:

- (i) "Property I - ID- 1B, 2NRJQ3, Plot No. C-2, Gali No. 1, Shiv Durga Vihar, Lakkarpur, Faridabad, Haryana - 121009" and
- (ii) "Khata No. 36/39 Mustatil No. 13, Kila No. 20/1 (6-14), situated at village Lakkarpur, Tehsil Badhkal, Faridabad, Haryana".

2. It is stated that the outstanding dues as on October 22, 2024 was the to sum Rs.47,51,225.08. A recall notice dated November 4, 2024 (Exhibit "C") was issued to the Respondents, but there has been no response.

3. Today, when the matter is called out, Learned Counsel for the Petitioner seeks ad-interim relief in terms of prayer clause – (a) and (c). Without prejudice to the rights and contentions of the parties and purely as an arrangement considering that the relief sought is only against the

mortgaged property, *ad-interim* relief in terms of prayer clause – (a) and (c), as moulded below, is hereby granted:-

The Respondents and their agents or any person claiming under them are hereby restrained by a temporary order and injunction of this Hon'ble Court from in any manner, directly or indirectly, dealing, selling, offering for sale, causing it to be offered for sale, transferring, causing to be transferred parting with possession of, delivering, creating or causing to be created any third party rights in respect of their personal mortgaged property situated at (i) "Property I - ID- 1B, 2NRJQ3, Plot No. C-2, Gali No. 1, Shiv Durga Vihar, Lakkarpur, Faridabad, Haryana - 121009" and (ii) "Khata No. 36/39 Mustatil No. 13, Kila No. 20/1 (6-14), situated at village Lakkarpur, Tehsil Badhkal, Faridabad, Haryana".

The Respondents are directed to file their respective comprehensive affidavit disclosing on oath the assets both movable and immovable held by him including details of all bank accounts (with account numbers, bank account statement, bank branch etc) and all the amounts lying in the Bank accounts, including accounts linked with PAN No. DSSPK7232R and HXZPK5745P and BRPPD4155C, within a period of two weeks from the date this order is uploaded on this Court's website.

4. The Respondents shall be entitled to seek variation, modification, vacation or alternation of the aforesaid ad-interim relief by approaching this Court. Learned Counsel for the Petitioner shall ensure service of this order on the Respondents along with all the proceedings once again, indicating that on the next date the matter would be taken up for further consideration to hear the Respondents. The Respondents shall also file a reply on or before the next date.

5. With the aforesaid directions, list under the caption "***Interim Relief – Section 9***" on ***February 26, 2025***.

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]