

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.380 OF 2024

Shanklesha Construction

...Petitioner

Versus

Ashok Mohamraj Chhajed

...Respondent

Mr. Mayur Khandeparkar a/w. *Anosh Sequiria & Harshad Vyas*
i/b. M/s. AVP Partners, Advocates for Petitioner.

Mr. Cyrus Bharucha a/w. *Karma Vivan, Advocates for*
Respondent.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 7, 2025

PC :

1. After having heard the parties for some time, and being taken through what has transpired so far, it would be appropriate to pass the following order : -

a. To order and direct issue/re-issue and service of witness summons on 2 witnesses (Serial No. 8 and 9 at Sch II of Ann 13 (Hand Delivery Service by Bailiff) at Pg. 54-55) upon whom service was not attempted;

b. To order and direct issue/re-issue and service of proclamation and bailable warrants for arrest and appearance of 4 witnesses (Serial Nos. 1 to 4 at Sch II of Ann 13 (Hand Delivery Service by Bailiff) at pg no. 52-53) upon whom service of summons was effected physically in person and who failed to appear);

c. To order and direct issue and service of proclamation and bailable warrants for arrest and appearance of 7 witnesses (Serial Nos. 5,6,7,9,10,11 and 12 at Sch II of Ann 13 (Service by Bailiff and petitioners BY S.P.A.D) at

Pg nos. 58-59 having their addresses beyond the Ordinary Original Civil Jurisdiction of this Hon'ble High Court but within the limits of the State of Maharashtra, by appointment of a Special Bailiff with the assistance of the local police, and the representative of the Petitioner, being the witnesses upon service of summons was effected by S.P.A.D. and who failed to appear;

d. To order and direct issue and service of proclamation and bailable warrants for arrest and appearance of 3 witnesses at (Serial Nos. 3, 4 and 8 at at Sch II of Ann 13 **(Service by Bailiff and petitioners by S.P.A.D) at Pg nos. 57-58**) having their addresses beyond limits of the State of Maharashtra, by appointment of a Special Bailiff with the assistance of the local police, and the representative of the Petitioner, being the witnesses upon service of summons was effected by S.P.A.D. and who failed to appear;

e. To order and direct issue re-issue and service of proclamation and bailable warrants for arrest and appearance of 16 witnesses by:

The Sheriff through his bailiff upon the 6 witnesses **(Sr. Nos. 1 to 6 at Sch III of Ann 13 at Pg. 63-64)** having their respective addressees within Ordinary Original Civil Jurisdiction of this Hon'ble High Court, with the assistance of the Mumbai Police and representative of the Petitioners;

A Special Bailiff to be appointed by this Hon'ble Court upon the 10 witnesses **(Sr. Nos. 7 to 16 Sch III of Ann 13 at Pg. 64 to 65)**. having their addresses beyond the Ordinary Original Civil Jurisdiction of this Hon'ble High Court but within the limits of the State of Maharashtra with the assistance of the local police and representative of the Petitioner:

f. Liberty to apply on receipt of the report of the bailiff with respect to service on witnesses by post.

2. The Petition ***is finally disposed*** of in the aforesaid terms.

3. 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.]