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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMM. ARBITRATION PETITION NO. 865 OF 2024

Tata Motors Finance Limited

...Petitioner

Versus

Sant Kumar and Anr.

...Respondents

Ms. Sheetal Parkash a/w *Mr. Ravi Goenka, Mr. Abhishek Bhaduri, Mr. Abhayjeet Khairwar and Mr. Arif Ansari i/b Goenka Law Associates for the Petitioner.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 30, 2025

PC :

1. On January 9, 2025, taking note of various facets of the matter as recorded in an order passed on that date, *ad-interim* relief in terms of prayer clauses (e), (f) and (h) were granted.

2. Today, when the matter is called out, Learned Counsel for the Petitioner submits that service has been effected. The service affidavit dated December 16, 2024 as also January 29, 2025 are taken on record. Since none appears for the Respondent even today, Learned Counsel for the Petitioner presses for prayer clause (i).

3. Considering that despite repeated notices, none appears for the Respondent, it would be appropriate to grant further relief to the Petitioner which is granted in terms of prayer clause (i) as moulded below :-

The Petitioner shall be entitled to take possession with the movable property more particularly described in "Exhibit-C" to the Petition and the immovable properties, if necessary, with police

assistance, by approaching the concerned police station upon payment of necessary charges to take charge of the said property more particularly described in “Exhibit-C” of the Petition.

4. Learned Counsel for the Petitioner submits that the Application under Section 11 of the Act is ready and will be lodged shortly.

5. In these circumstances, list under the caption “***Final Hearing – Section 9***” along with Application that is filed under ***Section 11***, on ***February 24, 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.]