

Sharayu Khot.

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

INTERIM APPLICATION NO. 24 OF 2025

IN

EXECUTION APPLICATION NO. 731 OF 2024

M/s. High Parra Constructions Pvt.Ltd.

...Applicant/
Decree Holder

Versus

M/s. Larsen & Toubro Ltd.

...Respondent/
Judgment Debtor

Ms. Nikhita Mathuria i/by K K Associates for the Applicant/Decree Holder.

Mr. Faisal Sayyed and Mr. Padmesh Joshi i/by Manilal Kher Ambalal & Co. for the Respondent/Judgment Debtor.

CORAM : R.I. CHAGLA J

DATE : 9 January 2025

ORDER :

1. At the outset, the learned Advocate for the Applicant/Judgment-Creditor has sought for amending the schedule of amendment viz. Schedule I of the Interim Application viz. In Column D, where it is mentioned that, "*Whether any Appeal has been preferred from the Award?*" and the response is "*NO.*". The learned Advocate has sought for deletion of the word "*NO*" and has sought

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for adding the words “*NO. However, the Judgment Debtor has preferred Arbitration Petition (L) No. 899 of 2018 filed under section 34 of the Arbitration and Conciliation Act.*”.

2. This amendment is allowed and shall be carried out by the Applicant/Judgment Creditor forthwith. Re-verification is dispensed with.

3. By this Interim Application, the Applicant/Judgment Creditor has sought for allowing amendment in the Execution Application in accordance with the schedule I. She has stated that there is a bonafide error in not mentioning in the Execution Application and additional Affidavit that “*the Arbitration Petition (L) No. 899 of 2018 under Section 34 of the Arbitration Act and in which no stay has been granted by this Court restraining the execution of the Award dated 3rd March 2018.*”.

4. For this limited purpose, the amendment is sought and consequential amendment in the additional Affidavit dated 30th January 2024.

5. The learned Counsel for the Respondent has no objection to this limited amendment being allowed.

6. Considering the nature of the amendment, relief sought for in the Interim Application is required to be granted. Hence, the following order is passed:-

- (i) The Applicant/Decree Holder is granted permission to carry out amendment in the Execution Application and additional Affidavit filed in Execution Application dated 30th January 2024 in accordance with the schedule to the Interim Application.
- (ii) The amendment shall be carried out within a period of one week from the date of this order.
- (iii) Re-verification is dispensed with.
- (iv) Interim Application is accordingly, disposed of.
- (v) There shall be no order as to costs.

[R.I. CHAGLA J.]