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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 796 OF 2025

IN

COMMERCIAL EXECUTION APPLICATION NO. 47 OF 2025

Aditya Birla Finance Limited ... Applicant

Versus

Sukadev Mahapatra and others ... Respondents

.....
Ms. Jenny Somaiya instructed by Ms. Tikshta Mody, Advocate for the Applicant.

None for the Respondents.

.....
CORAM : ABHAY AHUJA, J.
DATE : 5 AUGUST 2025

PC. :

1. Ms. Somaiya, learned Counsel, appears for the Applicant and submits that the Respondents have refused service and therefore, the same be treated as deemed service and this Court may direct disclosure in terms of prayer clauses (b) and (j).

2. Having heard the learned Counsel and having considered her submissions, this Court is of the view that the Respondents be directed to make disclosures in terms of prayer clause (b) and (j), which read thus :

(b) that this Hon'ble Court be pleased to direct the Judgment Debtors to jointly and or severally to file their comprehensive affidavits disclosing on oath the assets both movable and immovable held/owned by them, including details of all Bank accounts (with account numbers, Bank, Branch etc.) and all the amounts lying in the Bank accounts and also all debts and receivables payable by third parties to the Judgment Debtors with their precise and exact addresses within a period of 2 weeks from the date of the order or within such time as this Hon'ble Court may deem fit by this Hon'ble Court as provided under Order 21 Rule 41 of the Code of Civil Procedure, 1908 since the Decree/Award dated 4th June 2024 passed by the Learned Arbitral Tribunal has remained unsatisfied for more than 30 days from the date of its passing.

(j) that the Respondents be directed to disclose their means on affidavit for satisfying the decree of the Plaintiffs under execution as per Section 51 of the Code of Civil Procedure.

3. Let affidavit of disclosure on oath in terms of prayer clauses (b) and (j) be filed by the Respondents within a period of four weeks.
4. List on **30th September 2025**.
5. Let copy of this order be served upon the Respondents and an appropriate affidavit of service be filed in this regard.

(ABHAY AHUJA, J.)