

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

**INTERIM APPLICATION NO. 2450 OF 2024
IN
EXECUTION APPLICATION NO. 3323 OF 2024**

Kotak Mahindra Bank Limited ... Applicant
Versus
Sandeep Chawla son of Ashok Chawla & Anr. ... Respondents

Ms. Reeta Jain a/w Ms. Nehal Deshmukh and Ms. Rahila Memon
i/by S. I. Joshi & Co. for the Applicant.

**CORAM: MANISH PITALE, J.
DATE : 26th FEBRUARY 2025**

P.C. :

. In this application, on 23rd October 2024, this Court granted prayer clauses (b) and (g), thereby calling upon respondent No.1 to make disclosures. Respondent No.1 was granted time of four weeks to file such disclosure affidavit.

2. The applicant has filed an affidavit of service dated 11th November 2024, showing that the respondent No.1 refused to accept service of notice and a copy of the order dated 23rd October 2024, when he was sought to be served through Registered Post with Acknowledgement Due (RPAD). It is submitted that therefore, this Court may treat this as good service and pass further orders in the matter.

3. It is relevant to note that an earlier affidavit of service dated

13th August 2024, shows that when the papers pertaining to the present Execution Application and the Interim Application were sent to the respondent No.1, they were duly delivered on 30th July 2024. Therefore, it is defendant that when the order dated 23rd October 2024 was sought to be served upon the respondent No.1, whereby he has been called upon to file disclosure affidavit, he has refused to accept service. In these circumstances, this Court treats this as good service and consequential orders ought to follow.

4. In view of the above, issue bailable warrant in the sum of Rs.25,000/- against respondent No.1, returnable on 27th March 2025.

MANISH PITALE, J.