

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

INTERIM APPLICATION NO. 2553 OF 2025

IN

COMMERCIAL EXECUTION APPLICATION (L) NO. 7058 OF 2024

M. L. Developers

...Applicant

V/s.

Shashank Bupatrai Kapadia

...Respondent

Mr. Vivek Kantawala with Mr. Amey Patil, Mr. Manav Kantawala and Mr. Shanay Bafna i/b Vivek M. Sharma for the Applicant.

Ms. Manshi Thakkar with Ms. Sanika Athalye i/b Raval Shah & Co. for the Respondent.

Mr. Shashank B. Kapadia, Respondent present in person.

API Sushila Deshmukh, Santacruz Police Station present.

CORAM : ABHAY AHUJA, J.

DATE : 8th SEPTEMBER, 2025

P.C. :

1. Pursuant to the order dated 28th July, 2025, today when the matter is called out, Ms. Thakkar, learned Counsel appears for the Respondent / Judgment Debtor and submits that the Judgment Debtor pursuant to the issuance of non-bailable warrant of arrest is present in Court today, although the said non-bailable warrant has not been executed.

2. Learned Associate of this Court draws the attention of this Court to a report dated 8th September, 2025 of the Execution Department which indicates that the Registry has not received any service report in respect of the said non-bailable standing warrant.

3. Ms. Deshmukh, PSI attached to Santacruz Police Station is also present in the Court and submits a report seeking extension of time to execute the said non-bailable warrant submitting that due to Ganpati festival bandobast duty, the said warrant could not be executed, however, the location of the Respondent had been obtained.

4. Ms. Thakkar, learned Counsel for the Respondent submits that the Respondent will make payments of the outstanding amount of approximately Rs.1.45 Crs. within a period of 6 to 8 weeks.

5. Mr. Kantawala, learned Counsel appears for the Applicant and submits that this Court may also direct the Respondent not to deal with the property viz. Plot No. 5, CTS No. 4 on West Avenue, Santacruz (West), Mumbai-400 054 till the outstanding amount is paid to the Applicant.

6. Ms. Thakkar, learned Counsel for the Respondent, on instructions, agrees with the same.

7. Having heard the learned Counsel and having considered the submissions, the following order is passed:-

ORDER

a) Let the Respondent, before leaving the Court premises today, furnish the following undertaking to this Court:-

(i) that he will remain present in this Court on every date the matter is listed;

(ii) that he will within 6 to 8 weeks make payments of the outstanding amount of approximately Rs. 1.45 Crs;

(iii) that till the outstanding amount is paid to the Applicant, the Respondent shall not in any manner whatsoever deal with or dispose of the said property viz. Plot No. 5, CTS No. 4 on West Avenue, Santacruz (West), Mumbai-400 054.

b) Subject to the furnishing above undertaking, the non-bailable warrant to stand cancelled.

8. List on **3rd November, 2025** for compliance.

(ABHAY AHUJA, J.)

NIKITA
YOGESH
GADGIL

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NIKITA YOGESH
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Date: 2025.09.08
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