

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
INTERIM APPLICATION NO. 2623 OF 2024  
IN  
EXECUTION APPLICATION NO. 3346 OF 2024**

Kotak Mahindra Bank Limited ... Applicant

Versus

Sachin Bhauso Hake ... Respondent

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Ms. Rahila Memon alongwith Ms. Reet Jain instructed by S.I. Joshi & Co., Advocate for the Applicant.

Mr. Vignesh Ashokan, Advocate for the Respondent.

Ms. Pooja Rane, Deputy Manager, Legal of the Applicant-Bank.

PSI Pravin Kamble, Uruli Kanchan Police Station alongith PC Amol Raut and PC Ravikumar Phad, present.

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**CORAM : ABHAY AHUJA, J.**

**DATE : 10 DECEMBER 2025**

**P.C. :**

1. Mentioned out of turn.
2. Mr. Ashokan, learned Counsel, appears for the Respondent and submits that pursuant to the execution of non-bailable warrant, the Respondent has been arrested and brought to this Court in view of the orders passed by this Court earlier. That this Court may release him and grant some time to make outstanding payments to the Applicant-Bank.

3. Ms. Memon, learned Counsel, appearing for the Applicant-Bank submits that since no payments were made execution proceedings were commenced and although order directing disclosures from the Respondent was passed on 23<sup>rd</sup> October 2024 and also served on the Respondent, however no disclosures were made. That thereafter, on 26<sup>th</sup> February 2025, bailable warrant was issued which was executed. That on 22<sup>nd</sup> April 2025, Advocate had appeared on behalf of the Respondent and sought time to file reply. Ms. Memon submits that no reply has also been filed. Thereafter, the matter was listed on 18<sup>th</sup> June 2025.

4. That on 18<sup>th</sup> June 2025, when the matter was called out, neither the Respondent remained present nor anyone appeared for the Respondent. It was pointed out that no reply had also been filed. Thereupon, a non-bailable warrant was issued against the Respondent and the Respondent was directed to remain present in Court. On 30<sup>th</sup> July 2025, 3<sup>rd</sup> September 2025 and 25<sup>th</sup> September 2025, the returnable dates in respect of the non-bailable warrant was extended and report of execution of the said warrant was also awaited.

5. As noted above, today pursuant to the execution of the non-bailable warrant, the Respondent's presence has been secured in Court. Three Policemen, PSI Pravin Kamble and two Constables, viz. PC Amol

Raut and PC Ravikumar Phad have arrested him and brought him before this Court.

6. Ms. Memon submits that until and unless this Court puts the Respondent to terms for release, neither the Respondent would remain present in Court on the next occasion nor any dues would be paid.

7. Mr. Ashokan only reiterates that some time be granted and the Respondent be released.

8. I have heard the learned Counsel.

9. It is not in dispute that the Award dated 4<sup>th</sup> March 2022 directing the Respondent to pay Rs.11,65,421/- alongwith interest at the rate of 10.09% per annum on the said sum from 6<sup>th</sup> January 2022 till payment/realization was not satisfied and that is why the execution proceedings had been initiated against the Respondent. It appears that there is no challenge to the said Award. Admittedly, the said amount continues to remain unpaid as on date. Further despite order directing disclosures on 23<sup>rd</sup> October 2024, the Respondent has not made any disclosures till date. A bailable warrant of Rs.25,000/- had to be issued by this Court, pursuant to which, on 22<sup>nd</sup> April 2025, one Advocate Shaikh represented the Respondent and requested for time to file reply. The matter was, as submitted above, thereafter listed on 18<sup>th</sup> June 2025. Even till date, no reply was also filed as has been recorded in the

order dated 18<sup>th</sup> June 2025. The Respondent's presence has been secured by a non-bailable warrant that was directed to be issued on 18<sup>th</sup> June 2025 and today we are on 10<sup>th</sup> December 2025. It has taken six months to secure the Respondent's presence in Court and that too with the help of one PSI and two Constables. So much of State expenditure and judicial time expended for Rs.11,65,421/- with interest.

10. This Court cannot therefore take the conduct of the Respondent lightly and for that matter, the similar conduct of any such Respondent. In this view of the matter the following order is passed.

11. The Respondent be released and the non-bailable warrant to stand discharged only subject to the following :

- (i) Payment of Rs.1,00,000/- be made to the Applicant today;
- (ii) That an undertaking be furnished to this Court by the Respondent on oath before leaving the Court premises on the following terms :
  - (a) undertaking that he will remain present in Court on every date when the matter is listed.
  - (b) undertaking that he will make payment of Rs.5,00,000/- by 31<sup>st</sup> December 2025 and the balance amount of Rs.5,65,421/- alongwith interest by 14<sup>th</sup> January 2026.

(c) that the disclosures directed vide order dated 23<sup>rd</sup> October 2024 would be filed and served within a period of two weeks.

12. List on **19<sup>th</sup> January 2026**.

**(ABHAY AHUJA, J.)**