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

INTERIM APPLICATION NO.2652 OF 2024
IN
EXECUTION APPLICATION (L) NO.21628 OF 2024

Tata Capital Ltd. ...Applicant
(Formerly known as Tata Capital Financial
Services Ltd.)

Versus

Mr. Joseph Fernandes ...Respondent

Ms. Bijal Gogri, i/b Om Gujar Law Chamber for the Applicant.

CORAM : R.I. CHAGLA J.

DATE : 8TH JANUARY, 2025.

ORDER :

1. Ms. Gogri the learned Counsel appearing for the Applicant states that the Execution Application and Interim Application was attempted to be served on the Respondent and the sealed pack envelop was returned with remark "Intimation Posted" and there is a remark of "Unclaimed". She has accordingly stated that the Respondent is deemed to be served with copy of notice. She has accordingly sought for grant of prayer Clauses (b) and (d) of the

Interim Application.

2. In view of the Respondent having unclaimed the service which as per the settled law amounts to deemed service, the Respondent has been served with the paper and inspite of which proceedings and has failed to make appearance.

3. Accordingly, it is necessary to pass disclosure order which is in terms of prayer Clauses (b) and (d) of the Interim Application and accordingly relief in terms of prayer Clauses (b) and (d) is granted, which read thus:-

“(b) That the Respondent above named be required by an order of this Hon’ble Court to file his Affidavit stating particulars of his properties etc. as provided under Order 21 Rule 41 of the Code of Civil Procedure, 1908.

(d) That the Respondent be directed to disclose their means on affidavit for satisfying the decree of the Applicant under execution as per Section 51 of the Code of Civil Procedure.”

4. The learned Counsel for the Applicant / Decree Holder shall serve notice of this disclosure Order on the Respondent /

Judgment Debtor and file Affidavit of Service prior to the next date.

5. The Respondent / Judgment Debtor shall file Affidavit of Disclosure within a period of four weeks from the date of this Order.

6. Place the Interim Application on 17th February, 2025 for further consideration.

[R.I. CHAGLA J.]