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

INTERIM APPLICATION NO.2655 OF 2024
IN
EXECUTION APPLICATION (L) NO.22148 OF 2024

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

Versus

Bharatkumar Nathalal Patel & Ors. ...Respondents

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 / Decree Holder states that service of the Execution Application and Interim Application was attempted on the Respondent Nos.1 and 2 who refused service and accordingly she has submitted that refusal of service is deemed service. An Affidavit of Service dated 20th August, 2024 to that effect has been filed. She has accordingly sought for grant of prayer Clauses (b) and (d) of the

Interim Application.

2. Having considered the above submissions, and noting that the Respondent Nos.1 and 2 have refused service which is as per the settled law amounts to deemed service, the Respondent Nos.1 and 2 have been served with the papers and proceedings and inspite of service they have failed to make appearance.

3. In view thereof, 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 Respondents 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 Respondents 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 Order on the Respondents / Judgment Debtors and file Affidavit of Service prior to the next date.

5. The Respondents / Judgment Debtors shall file Affidavits 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.]