

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

INTERIM APPLICATION NO.2758 OF 2024
IN
COMMERCIAL EXECUTION APPLICATION NO.67 OF 2023

Urban Infrastructure Real Estate Fund ...Applicant
V/s.
Nirmal Lifestyle Limited and Others ...Respondents

WITH
INTERIM APPLICATION NO.3576 OF 2024
IN
COMMERCIAL EXECUTION APPLICATION NO.67 OF 2023

Mr. Dhiraj Mhatre with Mr. Satyashrikant Vutra and Ms. Simran R. Grover i/b M/s Khaitan Legal Associates for the Applicant/ Petitioner.
Mr. Chirag Mody with Mr. Ashok Paranjape and Ms. Mrunali Lanjewar i/b MDP Associates for the Applicants in IA 3756 of 2024 and for the Respondents in IA 2758 of 2024.

CORAM : ABHAY AHUJA, J.
DATE : 4th AUGUST, 2025

PC. :

Interim Application No. 2758 of 2024

1. This matter has been listed under the caption "For Amendment".
2. When the matter is called out, at the outset, Mr. Mhatre, learned Counsel appearing for the Applicant seeks to correct the error in the schedule for amendment at page 136 of the Application, submitting that erroneously instead of Order XXI Rule 46, Order XX Rule 42 has been typed and the said error permitted to be corrected.

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4. Mr. Mody, learned Counsel appears for the Respondent has no objection to the same.
5. Let the said error be corrected forthwith. Re-verification is dispensed with.
6. Mr. Mhatre, learned Counsel appearing for the Interim Applicant submits that he is pressing only for prayer Clauses (a) and (b). Mr. Mhatre submits that the Applicant is seeking amendment to the Column J of the Petition and draws this Court's attention to page 136, which contains the schedule for amendment.
7. Mr. Mhatre submits that the Applicant is desirous of issuance of warrant of attachment with respect to 10000 shares of the Judgment Debtor No.1 in Nirmal Infrastructure India Private Limited.
8. Mr. Mody, learned Counsel appearing for the Judgment Debtors No.1 to 3 objects to the same submitting that the Execution Application is not maintainable in as much as the Applicant fund is no longer in existence being a limited life fund with fixed tenure which expired in March, 2015.
9. Be that as it may, subject to the issue of maintainability of the execution proceedings as raised on behalf of the Judgment Debtors No.

1 to 3, the amendment is allowed in terms of prayer Clauses (a) and (b), which read thus:-

“(a) Grant leave to the Applicant to carry out amendment in terms of the Schedule being Exhibit -C hereto.

(b) Permit the Applicant to carry out all consequential amendments in the papers and proceedings of the present Petition.”

10. Let the amendment be carried out within a period of two weeks and the amended Execution Application and other Applications, where amendment is made, be served within a period of two weeks thereafter and an appropriate affidavit of service be filed in this regard.

11. As regards the prayer Clauses (c), (d) and (e) are concerned, Mr. Mhatre submits that liberty be granted to take out another Interim Application. Liberty as prayed for is granted.

12. Te Interim Application accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)