

Sharayu Khot.

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

INTERIM APPLICATION NO. 3288 OF 2024

IN

EXECUTION APPLICATION (L) NO. 27935 OF 2024

Neogrowth Credit Pvt.Ltd.

...Applicant/
Decree Holder

Versus

Shiv Shakti Electronis (Mechant) & Anr.

...Respondents

Ms. Bijal Gogri i/by GNP Legal for the Applicant.

CORAM : R.I. CHAGLA J

DATE : 23 January 2025

ORDER :

1. Ms. Gogri, the learned Counsel for the Applicant has submitted that the Respondent Nos. 1 and 2 have been served with the Interim Application. The Respondent No. 1 has unclaimed the service which is deemed service and Respondent No. 2 has been served with remark "Item delivered to the addressee". An Affidavit of Service dated 19th October 2024 has been filed.

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2. In view thereof, Ms. Gogri has sought for disclosure orders in terms of prayer clauses (b) and (e) of the Interim Application.

3. Having considered that the Respondent Nos. 1 and 2 have been served and despite of service, they have failed to remain present. Necessary disclosure order is passed in terms of prayer clauses (b) and (e) of the Interim Application, 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.

(e) 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. Respondent Nos. 1 and 2 shall file their Disclosure Affidavit within a period of four weeks from the date of this order.

5. Notice of this order shall be served on the Respondent Nos. 1 and 2 by the Advocates for the Decree Holder.

6. Interim Application shall be placed for further consideration on 3rd March 2025.

[R.I. CHAGLA J.]