

Sharayu Khot.

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

INTERIM APPLICATION NO. 3395 OF 2024

IN

EXECUTION APPLICATION (L) NO. 27942 OF 2024

Neogrowth Credit Pvt.Ltd.

...Applicant/
Decree Holder

Versus

Showoff Beauty Lounge (Merchant) & 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 No. 2 has been served with the Interim Application. Affidavit of Service dated 14th October 2024 has been filed.

2. The Defendant/Respondent No. 1 was unable to be served, though service was attempted with remark "No Such Person

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in the address”.

3. In view thereof, Ms. Gogri has sought for disclosure orders against Respondent No. 2, who is proprietor of Respondent No.1.

4. Having considered the submissions and noting that the Respondent No. 2 has been served, Disclosure order is required to be passed against Respondent No. 2, 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.”

5. Respondent No. 2 shall file Disclosure Affidavit within a period of four weeks from the date of this order.

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

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

[R.I. CHAGLA J.]