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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 3546 OF 2024

IN

EXECUTION APPLICATION (L) NO. 30877 OF 2024

Kotak Mahindra Bank Limited ... Applicant

Versus

Jagdish Chauhan s/o. Dhirubhai
Ishafatanisheri and another ... Respondents

.....
Mr. Reet Jain instructed by S.I. Joshi & Co., Advocate for the Applicant.
None for the Respondents.

.....

CORAM : ABHAY AHUJA, J.
DATE : 3 JULY 2025

PC. :

1. Ms. Jain, learned Counsel, appears for the Applicant and undertakes to remove the office objections to the Execution Application and obtain registered number, within a period of four weeks. The statement is accepted.

2. This Interim Application seeks execution of arbitral award dated 28th October 2020, pursuant to which the Respondents were directed to pay to the Applicant a sum of Rs.5,38,141/- along with interest.

3. Ms. Jain, learned Counsel, appears for the Applicant and submits that no payment has been received by the Applicant till date. That, the Respondents have been served on 19th October 2024 and this Court grant prayer of disclosure in terms of Prayer clauses (b) and (g), which read thus :

“(b) That the Defendants abovenamed be required by an order of this Hon’ble Court to file their Affidavit stating particulars of their properties etc., as provided under Order 21 Rule 41 of the Code of Civil Procedure, 1908 since the Decree/Award dated 28.10.2020 passed by the Learned Arbitral Tribunal has remained unsatisfied for more than 30 days from the date of its passing.

(g) That the Defendants be directed to disclose their mans on affidavit for satisfying the decree of the Plaintiffs under execution as per Section 51 of the Code of Civil Procedure.”

4. None appears for the Respondents, though served.

5. Having heard the learned Counsel and having considered her submissions, this Court is of the view that relief in terms of Prayer clauses (b) and (g) be granted.

6. Subject to the above, let affidavit of disclosure on oath in terms of Prayer clauses (b) and (g) be filed by the Respondents within a period of four weeks.
7. Also subject to the above, let a copy of this order be served upon the Respondents and an appropriate Affidavit of service be filed by the next date.
8. Also subject to the above, list on **6th August 2025**.

(ABHAY AHUJA, J.)