

Kavita S. J.

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

**INTERIM APPLICATION NO.3548 OF 2024
IN
EXECUTION APPLICATION NO.596 OF 2024**

HDFC Bank Limited

...Applicant/Claimant

Versus

MASAB Mahimi

...Respondent

Ms. Monika Ukale-Gupta a/w Mr. Suraj Gupte and Ms. Meghana
Murudkar for the Applicant/Claimant.

CORAM : R.I. CHAGLA, J.

DATED : 3rd JANUARY, 2025.

ORDER :

1. By this Interim Application, the Applicant/Decree Holder is seeking execution of Warrant of Attachment dated 28th June, 2024 of moveable property in possession of the Judgment Debtor issued under Order XXI Rule 43 of the Code of Civil Procedure (“**CPC**”), 1908 under police protection provided to the Sheriff / Bailiff.

2. The Applicant/Decree Holder has stated in the Interim Application that the Bailiff from the Sheriff’s office alongwith the

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representative of the Applicant on 23rd August, 2024 had visited the residential premises of the Respondent to execute the Warrant of Attachment under Order XXI Rule 43 of the CPC issued on 28th June, 2024. Upon such visit, the Bailiff met the Respondent and after disclosing his identity to the Respondent, he informed the purpose of visit and showed the duplicate copy of Warrant of Attachment. The Bailiff requested the Respondent to pay the due amount of the said Warrant but the Respondent was unable to pay and did not allow the Bailiff to take inventory of the moveable articles and obstructed the execution of the Warrant of Attachment. Hence, the Bailiff could not execute the Warrant of Attachment of moveable property of the Respondent. It is in these circumstances that the Applicant has sought police protection to the Sheriff / Bailiff for execution of the Warrant of Attachment of the moveable property in the possession of the Judgment Debtor under Order XXI Rule 43 of the CPC.

3. Having considered the averments in the Interim Application as well submissions of the learned Counsel for the Applicant, it appears that the Warrant of Attachment dated 28th June, 2024 of moveable property in possession of the Judgment Debtor issued under Order XXI Rule 43 of the CPC is not being executed by the

Bailiff of Sheriff's office on account of obstruction from the Respondent. The Respondent has not allowed the Bailiff to take inventory of the moveable articles. Hence, for the execution of Warrant of Attachment of moveable property of the Respondent, the police protection is required to be granted to the Bailiff. Accordingly, the following order is passed:

(i) The concerned local Police Station where the Respondent is situated, is directed to provide police protection to the Bailiff from the Sheriff's office for execution of the Warrant of Attachment dated 28th June, 2024 of the moveable property in possession of the Judgment Debtor issued under Order XXI Rule 43 of the CPC.

(ii) Notice of this order shall be served by the Advocates of the Applicant on the concerned local police station.

(iii) The Interim Application is accordingly disposed of.

[R.I. CHAGLA, J.]