

Sharayu Khot.

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

INTERIM APPLICATION NO. 3549 OF 2024

IN

EXECUTION APPLICATION NO. 261 OF 2025

Godrej Finance Limited

**...Applicant/
Decree Holder**

Versus

Joshi Medico and Supermarket & Anr.

...Respondents

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

CORAM : R.I. CHAGLA J

DATE : 10 February 2025

ORDER :

1. Ms. Gogri, the learned Counsel for the Applicant / Decree-holder states that pursuant to the order dated 6th January 2025 passed by this Court by which this Court had granted substituted service by way of paper publication, the substituted service has been effected and Affidavit of Service dated 6th February 2025 has been filed. This shows that the Interim Application along with the notice to the Respondents to remain present before this

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Court on the next date, i.e. 10th February 2025, which is today has been served by way of substituted service, i.e. paper publication in two newspapers, i.e. Free Press Journal (English language) and Navshakti (Marathi language).

2. In spite of service, the Respondent Nos. 1 and 2 have failed to remain present.

3. Ms. Gogri has accordingly, sought for disclosure order to be passed by this Court in terms of prayer clauses (b) and (d) of the Interim Application.

4. Considering that the Respondents have been served by substituted service, i.e. paper publication and Affidavit of Service to that effect has been filed, and in spite of which, the Respondents have failed to remain present, there shall be grant of relief in terms of prayer clauses (b) and (d) 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.

(d) 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. The Respondents shall file their Affidavit of Service within a period of four weeks from the date of this order.

6. The learned Advocates for the Applicant / Decree-holder shall serve the notice of this order on the Respondents and file Affidavit of Service prior to the next date.

7. Interim Application shall be placed for consideration on 17th March 2025.

[R.I. CHAGLA J.]