

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 3582 OF 2024
IN
EXECUTION APPLICATION NO. 2776 OF 2015**

Kotak Mahindra Bank Limited ... Applicant

In the matter between:

L & T Finance Limited ... Plaintiff

vs.

Pappu and others ... Defendants

ALONGWITH

**INTERIM APPLICATION NO. 3586 OF 2024
IN
EXECUTION APPLICATION NO. 1024 OF 2016**

ALONGWITH

**INTERIM APPLICATION (LODGING) NO. 30871 OF 2024
IN
EXECUTION APPLICATION NO. 1133 OF 2016**

Kotak Mahindra Bank Limited ... Applicant

In the matter between:

L & T Finance Limited ... Plaintiff

vs.

Azad Rathi and another ... Defendants

Ms. Reet Jain, i/b. S. I. Joshi & Co. for applicant.

**CORAM : MANISH PITALE, J.
DATE : 04th FEBRUARY, 2025**

P.C. :

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By these applications, the applicant prays for being substituted as plaintiff in place of the original plaintiff i.e. L & T Finance Limited, on the ground that the applicant is now an assignee from the original plaintiff, in respect of receivables with underlying securities.

2. In support of the said prayer, the applicant has placed on record copy of assignment deed of receivables with underlying security dated 29.03.2019, at Exhibit A to the applications.

3. An affidavit of service is also placed on record to show that the defendants were served with the papers pertaining to this application. There is no appearance on behalf of the defendants.

4. Having perused the document on record at Exhibit A, this Court is satisfied that the present applications can be allowed in terms of prayer clauses (a) and (b), which read as follows:

“(a) The Applicant can be taken/substituted as party Plaintiff in place of Orig. Plaintiff (L & T Finance Ltd.) as the Applicant is the assignee in respect of Receivables with Underlying Security;

(b) The Applicant be allowed to amend the Execution Application and Chamber Summons as per the schedule annexed hereto and thereafter as the consequential amendments along with liberty to file Additional Affidavit in support of Execution Application and Chamber Summons thereof be permitted;”

5. The amendments in all matters be carried out within two weeks from today.

(MANISH PITALE, J)

Priya Kambli