

Arjun

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

INTERIM APPLICATION NO.3779 OF 2024

IN

COMMERCIAL EXECUTION APPLICATION NO.92 OF 2017

Niranjan V. Shah

...Applicant

IN THE MATTER OF:

Niranjan V. Shah

...Plaintiff/Decree Holder

Versus

Radha Krishan Construction & Anr.

...Respondents

Mr. Sunny Shah a/w Yash Kataria & Rahul Patil i/b Arhat Legal, for the Applicant.

CORAM: MADHAV J. JAMDAR, J.

DATED: 12 NOVEMBER 2025

P.C.:

1. Heard Mr. Shah, learned Counsel appearing for the Applicant i.e. Original Plaintiff-Decree Holder.
2. At the outset, Mr. Shah, learned Counsel for the Applicant, states that Respondent No.2 has passed away and therefore seeks deletion of Respondent No.2.
3. Leave to delete Respondent No.2 is granted. Amendment be carried out forthwith. Re-verification is dispensed with.
4. Mr. Shah, learned Counsel, states that at this stage, the Applicant is pressing only prayer clauses (a) to (c). The said prayers read as

under :-

- “a. This Hon'ble Court be pleased to direct the Respondents to disclose on Affidavit, the complete details and the full and material particulars of the assets held by them, both movable and immovable and to disclose the means of satisfying the Judgment and Decree dated 15.06.2015 in the aforesaid execution proceedings;*
- b. This Hon'ble Court be pleased to direct the Respondents to produce all books and documents in support of the disclosure, including bank account details, demat accounts, investments, income tax returns, etc. from the date of filing of the present suit;*
- c. This Hon'ble Court be pleased to pass an order of injunction restraining the Respondents from transferring, alienating, encumbering or creating any third party rights whatsoever in respect of the assets held by them, both movable and immovable;”*

5. Mr. Shah, learned Counsel for the Applicant, states that Respondent No.2 has passed away. Respondent No.1 is a partnership firm and the Respondent Nos.3 and 4 are the partners of Respondent No.1 - partnership firm.

6. Mr. Shah, learned Counsel, further states that Respondent Nos.1, 3 and 4 have been served. He states that, as far as Respondent Nos.3 and 4 are concerned, the notices have been delivered to them and as far as Respondent No.1 is concerned, the packet has been returned back with the remark “Intimation Served”. Thus, as far as service upon the Respondent No.1 is concerned, the same is complete.

7. Mr. Shah, learned Counsel, further submits that in any case, the Respondent No.1 is a partnership firm. The Respondent Nos.3 and 4

who are the partners of the Respondent No.1 have been served. Accordingly, the Respondent No.1 is also served through the Respondent Nos.3 and 4. Despite service, none appears for the Respondent Nos.1, 3 and 4. No Reply has been filed.

8. Perusal of the record shows that the Applicant is the Plaintiff-Decree Holder in Summary Suit No.485 of 2014. By the Judgment and Decree dated 15th June 2015 the Respondents were directed to pay to the Plaintiff an amount of Rs.2,74,14,701.36/- along with interest at the rate of 8.5% per annum on principal sum of Rs.2,51,00,000/- from 16th June 2015 until payment or its realization.

9. As the Respondents have failed to pay the said decretal amount, the Applicant has filed the Execution Application being Commercial Execution Application No.92 of 2017.

10. The Applicant is seeking relief that the Respondents to disclose on Affidavit, the complete details of the full and material particulars of the assets held by them, both movable and immovable and to disclose the means of satisfying the Judgment and Decree dated 15th June 2015. The Applicant is also seeking direction to the Respondents to produce all books and documents in support of the disclosure, including bank account details, demat accounts, investments, income tax returns, etc. The Applicant is also seeking that the Order be passed of injunction restraining the Respondents from transferring, alienating, encumbering

or creating third party rights whatsoever in respect of the assets held by the Respondents, both movable and immovable.

11. As already noted, none appears for the Respondents although served and no Reply has been filed. The contentions raised in the Interim Application have remained uncontroverted.

12. Accordingly, the reliefs sought in the Interim Application by prayer clauses (a), (b) and (c) are granted. The Respondents shall disclose, on Affidavit, the complete details and full and material particulars of the assets held by them, both movable and immovable and shall disclose the means of satisfying the Judgment and Decree dated 15th June 2025. The Respondents shall also produce all books and documents in support of the disclosure, including bank account details, demant accounts, investments, income tax returns, etc. from the date of filing of the Suit, within a period of 2 weeks from today. The Respondents are also injuncted from transferring, alienating, encumbering or creating any third party rights whatsoever in respect of the assets held by them, both movable and immovable.

13. Stand over to **3rd December 2025**. To be listed fairly 'high on board'.

[MADHAV J. JAMDAR, J.]