

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

COMMERCIAL EXECUTION APPLICATION NO. 80 OF 2025

Suresh Shah and Anr.

...Applicant

V/s.

Gangar Realtors Pvt. Ltd.

...Respondent

**WITH
NOTICE NO. 20 OF 2025**

Mr. Amanjhot Anand with Ms. Mansi Shah i/b Pravin Mehta & Mithi & Co. for the Applicants.

Mr. Gooraj Shah with Mr. Harjot Singh i/b Prime Legem for the Certificate Debtor.

CORAM : ABHAY AHUJA, J.
DATE : 17th NOVEMBER, 2025

P.C. :

1. When the matter is called out, Mr. Shah, learned Counsel appears for the Respondent and submits that the Notice under Order XXI Rule 22 of the Code of Civil Procedure, 1908 ("CPC") can be made absolute.

2. Notice under Order XXI Rule 22 of the CPC is accordingly made absolute.

3. Mr. Anand, learned Counsel appears for the Applicant and points out that pursuant to the order dated 4th July, 2025, which came to be

uploaded on 4th August, 2025 and order dated 24th September, 2025, the award under execution in so far as paragraph 138(E) is concerned, has been stayed, however, the drawing up of account as stipulated in paragraph 138 (C) is to be carried out although the final effect given to the said account in terms of dissolution directed under paragraph 138(B) is to await the outcome of the proceedings.

4. Mr. Anand submits that paragraph 138 (C) contemplates appointment of a Chartered Accountant, who was named, however, he has expressed his inability to act and that this Court may consider appointing substituted Chartered Accountant. Let parties come up with the name.

5. List on **22nd December, 2025.**

(ABHAY AHUJA, J.)