

THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.2498 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO.39 OF 2025

AJAY GHANSHYAMDAS GOENKA)...APPLICANT
V/s.
ALFRED MICHAEL ARAMBHAN)...RESPONDENT

WITH
INTERIM APPLICATION NO.888 OF 2021
IN
CHAMBER SUMMONS (L) NO.1169 OF 2019
WITH
INTERIM APPLICATION NO.865 OF 2021
IN
CHAMBER SUMMONS (L) NO.1169 OF 2019
WITH
COMMERCIAL EXECUTION APPLICATION NO.39 OF 2025
WITH
INTERIM APPLICATION NO.2497 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO.39 OF 2025
WITH
CHAMBER SUMMONS NO.1242 OF 2019
IN
COMMERCIAL EXECUTION APPLICATION NO.39 OF 2025
WITH
INTERIM APPLICATION NO.2284 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO.39 OF 2025
WITH
INTERIM APPLICATION NO.2286 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO.39 OF 2025
WITH
INTERIM APPLICATION NO.2287 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO.39 OF 2025

Mr. Pranav Nair with Mr. Abhishek Khare and Mr. Tanishq Dube i/b
Khare Legal Chambers for the Applicant.
Mr. Bimal Bhabhda for the Judgement Debtor.

CORAM : ABHAY AHUJA, J.
DATE : 11th AUGUST 2025

P.C. :

Interim Application No. 2498 of 2025

1. When this matter is called out, Mr. Nair, learned Counsel appears for the Applicant and submits that despite an outstanding of over Rs. 3.8 Crores no payments have been received till date and that pursuant to four disclosures made on behalf of the Respondents, it has emerged that one property in Bengaluru is available for sale and that this Court appoint Court Receiver, High Court Bombay with all powers of sale, so that the part of the decretal amount can be recovered.

2. Except to say that a property under the Court Receiver may not fetch the correct valuation no other opposition is raised on behalf of the Respondent.

3. It is observed that in Commercial Summary Suit No. 1244 of 2018, the decree of sum of Rs. 3,47,12,222/- along with future interest

on the amount of Rs. 2,50,00,000/- at the rate of 18% from the date of the Suit till payment and or realisation was passed on 29th January, 2019.

4. It is not in dispute that the Judgment Debtor has failed to comply with the terms of the decree and therefore, execution proceedings were commenced.

5. It has been submitted on behalf of the Judgment Creditor that on 30th July, 2019 by way of an affidavit of disclosure, the Judgment Debtor has admitted owning a residential premises at Bangalore located at 1031/5, Gitanjali Layout, 2nd Cross, HAL 3rd Stage, New Thippasandra Post Office, Bengaluru 560075.

6. Mr. Bhabhda, learned Counsel appears for the Respondent and has submitted that the property is lying vacant and unencumbered.

7. Mr. Nair, learned Counsel for the Judgment Creditor/Applicant submits that since there is an outstanding of over Rs. 3.8 Crores as on date, this Court may appoint Court Receiver to first to take possession of the property and thereafter to have the property valued, then to sell the same towards the satisfaction of the decree.

8. I am in agreement with the submissions made on behalf of the Applicant. Accordingly, in view of the submissions made above, I deem it fit case to appoint the Court Receiver.

9. The Interim Application is allowed in terms of prayer Clauses (a) to (d) under:-

“(a) this Hon’ble Court be pleased to appoint the Court Receiver, Bombay High Court or such other person / receiver with all the powers under Order XL of the Code of Civil Procedure, 1908 including the power to sell the property of the Judgment Debtor being the land and building at 1031/5, Gitanjali Layout, 2nd Cross, HAL 3rd stage, New Thippasandra Post Office, Bengaluru 560075 admeasuring 1260 sq. ft by Khata No. 1031/5.

(b) this Hon’ble Court be pleased to direct the Court Receiver or such other person appointed to sell the Bangalore Property of the Judgment Debtor in partial execution of the judgment and decree dated 29th January, 2019 passed by this Hon’ble Court to Commercial Summary Suit No. 1244 of 2018 after conducting a valuation of the said property.

(c) this Hon’ble Court be pleased to direct the Court Receiver, or such other person appointed to release the sales proceeds from the Bangalore Property to the Applicant.

(d) that pending the sale of the Bangalore Property, the Judgment Debtor, his assigns, employees, agents or anyone claiming through or under him be restrained from.”

10. The Interim Application accordingly stands allowed and disposed as above.

11. List other matters on the **30th September, 2025**. Registry to accept the replies.
12. Let objections to the Chamber Summons (L) No. 1169 of 2019 be removed and registered number be obtained within a period of two weeks, failing which the Chamber Summons to stand dismissed without further reference to the Court.
13. Earlier orders to continue until the next date.

(ABHAY AHUJA, J.)

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signed by
NIKITA
YOGESH
GADGIL
Date:
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