

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 2946 OF 2025

IN

COMMERCIAL EXECUTION APPLICATION NO. 64 OF 2025

Mansukh Unadkat

... Applicant

Versus

Kohinoor Cargo And Industrial Park Pvt Ltd

... Respondent

.....
Ms. Ilrina Pereira instructed by Vibha Jurisconsult Co., Advocate for the
Decree Holder.

.....

CORAM : ABHAY AHUJA, J.

DATE : 25 AUGUST 2025

PC. :

1. This Interim Application seeks partial transfer of the decree in Suit No.700 of 2012 to the Court of the Belapur Additional District Court, Navi Mumbai for execution in respect of the immovable and movable assets of the Judgment Debtor No.2, located in Navi Mumbai (as per Annexure A and B to the Application).

2. Ms. Pereira, learned Counsel, appears for the Applicant and submits that earlier in Commercial Summary Suit No.700 of 2019, a decree was passed on 1st April 2022 in favour of the Plaintiff inter-alia

ordering the Judgment Debtors No.1 and 2 to jointly and severally pay the Plaintiff a sum of Rs.5,37,32,631.00 alongwith interest at the rate of 9% p.a. on the principal sum of Rs.1,75,00,000.00 from the date of filing of the Suit till payment and/or realization.

3. Ms. Pereira submits that thereafter since payments were not made, the execution proceedings have been taken out for attachment of the assets of the Judgment Debtors situated in Mumbai as well as in Navi Mumbai.

4. Ms. Pereira submits that immovable and movable properties owned by the Judgment Debtors are located in Mumbai and Navi Mumbai as described in Annexures A and B and therefore in accordance with Section 39 of the Code of Civil Procedure, 1908 (the "CPC"), this Court be pleased to partially transfer the decree to the Court of Belapur Additional District Court, Navi Mumbai for execution against the Judgment Debtor.

5. I have perused Section 39 of the CPC. The said Section clearly provides that the Court which passed a decree can send it for execution to another Court of competent jurisdiction upon an application of the decree-holder which the applicant in this case has as the Judgment Debtor does not have sufficient property within the jurisdiction of this Court to satisfy the decree.

6. Accordingly, having heard the learned Counsel and having perused the Application as well as Section 39(b) of the CPC, this Court is of the view that the Application be allowed in terms of prayer clause (a), which reads thus :

(a) That pending the final hearing and disposal of the Execution Application, this Hon'ble Court be pleased to order partial transfer of the decree in Suit No.700 of 2012 to the Court of the Belapur Add. District Court, Navi Mumbai for execution in respect of the immovable and movable assets of the Judgment Debtor, located in Navi Mumbai (as per Annexure A and B to the Execution Application).

7. Interim Application is accordingly allowed and disposed of.

(ABHAY AHUJA, J.)