

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 3092 OF 2025

IN

COMMERCIAL EXECUTION APPLICATION NO. 60 OF 2025

Gurdev Singh Sehra and others ... Applicants

Versus

Parthesh K. L. Developers and another ... Respondents

WITH

INTERIM APPLICATION NO. 3648 OF 2025

IN

COMMERCIAL EXECUTION APPLICATION NO. 60 OF 2025

.....

Mr. Anand Pai alongwith Mr. Sahil Sayyed instructed by Sayyed Associates, Advocate for the Applicants/DecreeHolder.

Mr. Steve Fernandes instructed by Mr. Dilip Shukla, Advocate for the Respondents.

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CORAM : ABHAY AHUJA, J.

DATE : 10 DECEMBER 2025

PC. :

1. When the matter is called out, Mr. Pai, learned Counsel appears for the Execution Applicants and submits that although by order dated 13th November 2025, affidavit of disclosure of Respondent No.1 was to be filed, the same has not been filed nor been served.

2. Mr. Fernandes, learned Counsel, appears for the Respondents and submits that the affidavit of Respondent No.1 is ready and some time be granted to file and serve the same.
3. Let the same be filed and served during the course of this week.
4. Mr. Pai submits that earlier the Respondent No.2 had been directed to positively remain present in the Court and draws this Court's attention to order dated 25th August 2025 and in particular paragraph 6, which clearly indicates that if the Respondent No.2 fails to remain present in Court on the next date this Court will be constrained to secure his presence through the State Machinery.
5. Mr. Pai submits that earlier also the Respondent No.2 has remained absent despite orders of the Court and on one of the occasion this Court had directed filing of explanation for his absence and that has also not been done.
6. Mr. Fernandes seeks some time to take instructions, submitting that he does not have full knowledge of the matter as his Senior is in another Court.
7. Be that as it may, list on **21st January 2026**.
8. Let instructions on the above be taken.

9. Let the Respondent No.2 positively remain present in Court on the next date, failing which this Court will secure his presence through the State machinery.

(ABHAY AHUJA, J.)