

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

**CHAMBER SUMMONS NO. 1130 OF 2018
IN
COMMERCIAL EXECUTION APPLICATION NO. 1341 OF 2018**

Disha Constructions ... Applicant
Versus
Lok Constructions and others ... Respondents

**WITH
INTERIM APPLICATION NO. 4078 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 1341 OF 2018
WITH
CHAMBER SUMMONS NO. 5 OF 2019
IN
COMMERCIAL EXECUTION APPLICATION NO. 1341 OF 2018**

Ms. Kausar Banatwala with Mr. Karl Tamboly and Ms. Sneha Mahawar
i/b Mr. Tushar Goradia, Advocate for the Applicant/Claimant.

Mr. S. H. Singh for the Respondent No. 1.

Mr. Rubin Vakil, through VC with Mr. Dhaval Pariya i/b Vimaldalal &
Co. for the Defendant No. 5A.

CORAM : ABHAY AHUJA, J.
DATE : 10th SEPTEMBER, 2025

P.C. :

1. When the matter is called out, Ms. Banatwala, learned Counsel appears for the Applicant and raises grievance that although this Court had directed issuance of the warrant of attachment in respect of shares, mutual fund units and plots referred to in the earlier orders dated 25th November, 2024 and 30th July, 2025, when the department sought to

verify the details of the same, it has emerged that incomplete folio numbers have been mentioned in the disclosure affidavit and that this Court may direct the Court Receiver, High Court Bombay to obtain physical possession of the same.

2. Mr. Singh, learned Counsel appears for the Respondent No.1 and submits that he has just been briefed in the matter and some time be granted to take appropriate instructions and also to file vakalatnama.

3. Let instructions be taken and vakalatnama be filed within a period of one week.

4. List on **8th October, 2025 on the Supplementary Board.**

5. Ms. Banatwala also seeks extension of the returnable date of warrant of attachment dated 16th August, 2008, which was issued in respect of the schedule of properties in the Execution Application for a period of one year.

6. Let the returnable date of the said warrant of attachment dated 16th August, 2008 be extended by a period of one year.

Interim Application 4078 of 2025

7. This Interim Application seeks to bring the heirs of deceased-Defendant No. 5 on record as legal representative of the said deceased Defendant.

8. Ms. Banatwala, learned Counsel appears for the Applicant and submits that service of the Application has been effected on all the Respondents, however, none appears for the Respondents and this Court may consider allowing the Application.

9. Mr. Vakil, learned Counsel appears for the Respondent No. 5(a) has no objection.

10. Since despite service none of the Respondents are represented, this Court is of the view that for reasons as submitted by the learned Counsel for the Applicant and as contained in the Interim Application, the Interim Application is allowed in terms of the prayer Clause (b), which reads thus:-

“(b) This Hon’ble Court be pleased to pass necessary orders and directions permitting the Applicant to amend the above Execution Application in terms of Schedule annexed to the Interim Application as Exhibit “H” and to carry out amendment’s incidental and consequential thereto.”

11. Let the amendments be carried out within a period of two weeks and the amended proceedings be served upon others within a period of two weeks thereafter and an appropriate affidavit of service be filed.

12. The Interim Application is accordingly allowed and disposed as above.

(ABHAY AHUJA, J.)