

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 4079 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION (L) NO. 24385 OF 2023

HARESH SHANTICHAND JHAVERI)...APPLICANT

V/s.

ITC LIMITED)...RESPONDENT

Mr.Kuber Wagle i/by Mr.Purazar Fouzdar, Advocate for the Applicant.
Ms.Hilla Boatwalla i/by Nanu Hormasjee & Co., Advocate for the
Judgment Debtor No.1.

CORAM : ABHAY AHUJA, J.

DATE : 19th AUGUST 2025

PC. :

1. This Interim Application seeks restoration of Commercial Execution Application (Lodging) No.24385 of 2023 which has been dismissed by a self operative order of this Court dated 12th June 2025.

2. Mr.Kuber Wagle, learned Counsel for the Applicant, submits that objections had been removed except one viz. to provide a clear copy of Exhibit A and that while a copy of the same was being obtained, due to the self operative order, the Execution Application has been dismissed. Mr.Wagle submits that the dismissal is not due to any deliberate or

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intentional act on the part of the Applicant and that this Court may restore the Execution Application by subjecting the Applicant to some reasonable costs.

3. Ms.Hilla Boatwalla, learned Counsel appearing for the Judgment Debtor no.1, leaves it to the orders of this Court.

4. Accordingly, having heard the learned Counsel and having considered the submissions, subject to payment of costs of Rs.5,000/- to the High Court Employees Medical Welfare Fund at Mumbai, the Execution Application is restored.

5. Subject to the above, let objections to the Execution Application be removed within a period of two weeks and registered number be obtained.

6. The Interim Application, accordingly, stands allowed and disposed.

7. Subject to the above, list the Commercial Execution Application on **29th September 2025**.

8. Subject also to the above, let pleadings be completed.

(ABHAY AHUJA, J.)