



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

INTERIM APPLICATION NO. 828 OF 2021
IN
EXECUTION APPLICATION NO. 1013 OF 2014

Sea Priority S.A. ... Applicant

Versus

Swarup Group of Industries and Anr. ... Respondents

WITH
INTERIM APPLICATION NO. 5207 OF 2025
IN
REVIEW PETITION (ST) NO. 27760 OF 2025
IN
EXECUTION APPLICATION NO. 1013 OF 2014

Swarup Group of Industries and Anr. ... Applicants

Versus

Sea Priority S.A. ... Respondent

AND
REVIEW PETITION (ST) NO. 27760 OF 2025
IN
INTERIM APPLICATION NO. 828 OF 2021
(No Papers)

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Mr. Nimay D. Dave (through VC), Ms.Jyotika Jain and Ms.Devyani Mishra instructed by Bose & Mitra & Co., Advocates for Applicant/Award Holder/Petitioner in Interim Application No.828 of 2021 and for answering Respondent in Interim Application No.5207/2025.

Mr. Rahul Naricharnia, Senior Advocate alongwith Ms. Kaisar Irani and Ms. Namit Suri instructed by Das Associates for the Respondent.

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CORAM : ABHAY AHUJA, J.

DATE : 29 SEPTEMBER 2025

P.C. :

1. Today, when the matter is called out, Mr. Narichania, learned Senior Counsel appears for the Respondent and submits that the disclosure affidavit is ready and copy of the same has just now been furnished to the learned Advocate appearing for the Applicant. As the disclosure affidavit has already been served, Mr.Narichania also submits that this Court may direct the Registry to accept the disclosure affidavit filed on behalf of the Respondents. Registry to accept the same.

2. Mr. Narichania, particularly submits that Interim Application No.5207 of 2025 for condoning delay in filing the said Review Petition would become infructuous as the disclosure affidavit has been served and will be filed. Mr.Narichania also submits that the Sole proprietor of the Respondent is present in Court for his oral examination along with the necessary books and documents.

3. Accordingly, Review Petition though not on board, the same is taken on board.

4. In view of the submissions made by Mr.Narichania that the Review Petition has become infructuous, the Review Petition and Interim Application in the Review Petition to stand disposed of as infructuous.

5. Mr. Dave, learned Counsel appears for the Applicant and submits that some time may be granted to go through the disclosure affidavit dated 29th September, 2025. However, Mr. Dave submits that since the affidavit of disclosure has been served, the oral examination can be adjourned to the next date as some time would be needed to peruse and to take instructions on the disclosure affidavit received today.

6. Mr. Narichania, learned Senior Counsel for the Respondent also submits that the service and filing of the disclosure affidavit is without prejudice to the rights of the Respondent to challenge the maintainability of the execution proceedings.

7. At the joint request of learned Senior Counsel and the Counsel for the parties, list on **27th November, 2025**.

8. Let the sole proprietor of the Respondent remain present in Court in person on the next date for oral examination as to whether any or what debts are owing to him and whether he has any and what other property or means for satisfying the decree along with the necessary books or documents in respect thereof.

9. The restraint contained in earlier order dated 8th July 2025 to continue till further orders.

(ABHAY AHUJA, J.)