

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

**INTERIM APPLICATION NO. 2554 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 16 OF 2023**

Aelea Commodities Pvt. Ltd.

...Applicant

V/s.

Shree Satpuda Tapi Parisar

Sahakari Sakhar Karkhana Ltd.

...Respondent

WITH

INTERIM APPLICATION NO. 5325 OF 2025

Mr. Anuj Desai with Ms. Afreen Thanevala and Mr. Siddharth Samir i/b
Vis Legais Practice for the Applicant.

Mr. Ahmed Padela i/b the Law Point for the Judgment Debtor.

CORAM : ABHAY AHUJA, J.

DATE : 6th OCTOBER, 2025

P.C. :

Interim Application No. 5325 of 2025

1. This Interim Application seeks to implead one M/s Onkar Sugar and Allied Industries Private Limited as party to the the Commercial Execution Application.

2. Mr. Desai, learned Counsel appears for the Execution Applicant / Interim Applicant and submits that pursuant to a full and final settlement agreement between the Execution Applicant, the Respondent to be impleaded and the Judgment Debtor, the Respondent to be impleaded, was to make payment of the outstanding dues of the

Judgment Debtor to the Execution Applicant and that is why the said Respondent viz. M/s Onkar Sugar and Allied Industries Private Limited needs to be impleaded as a party to the execution proceedings.

3. None appears for the Respondent to be impleaded despite service.

4. Mr. Padela, learned Counsel appears for the Judgment Debtor and raises a preliminary objection on the basis of jurisdiction of this Court submitting that the amount involved in the execution is only Rs. 9 Crs. where as the suit jurisdiction of this Court is Rs. 10 Crs and above.

5. While this Court grants liberty to the Judgment Debtor to agitate this preliminary issue at the time of hearing of the Execution Application, after hearing the learned Counsel for the Applicant, this Court is of the view that the Interim Application be allowed in terms of prayer Clauses (a) to (c), which read thus:-

“(a) That this Hon’ble Court grant leave to the Applicant to implead M/s Onkar Sugar and Allied Industries Private Limited, as a party to the above-captioned Commercial Execution Application No. 16 of 2023 in accordance with Schedule of Amendment at Exhibit F hereto;

(b) that this Hon'ble Court grant leave to the Applicant to implead M/s Onkar Sugar and Allied Industries Private Limited, the Proposed Respondent, as a party to the above-captioned Interim Application No. 2554 of 2024 in accordance with Schedule of Amendment at Exhibit G hereto;
(c) That this Hon'ble Court permit consequential amendments and such other connected pleadings as may be necessary, in accordance with law”.

6. Let the amendments be carried out within a period of two weeks and the amended proceedings be served on all concerned including the newly impleaded Respondent within a period of two weeks thereafter and an appropriate affidavit of service be filed.

7. The Interim Application accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)