

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

**INTERIM APPLICATION NO. 7357 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION (L) NO. 3597 OF 2024**

Nalawad Infrastructure **...Applicant**
V/s.
Ashoka Developers & Ors. **...Respondents**

Mr. Niranjan Bhavake with Mr. Drishti Madhani, Mr. Anurag Ramekar and Mr. Vaishnavi Chorge i/b Bhavake & Associates for the Applicant.
Mr. Aseem Naphade i/b Mr. Ajit M. Rajgole for the Respondent.

CORAM : ABHAY AHUJA, J.
DATE : 1st DECEMBER, 2025

PC. :

1. This Application seeks restoration of the Commercial Execution Application that came to be dismissed by a self-operative order of this Court for non removal of the office objections.
2. When the matter is called out, Mr. Bhavake, learned Counsel appears for the Applicant and submits that although on 16th July, 2025, two weeks' time has been granted to remove office objections and obtain registered number, however, since the same could not be done, the extension of time was sought on 21st August, 2025 to remove the office objections, which was granted subject to payment of costs.

3. Mr. Bhavake submits that there was no intention of not complying with the orders of this Court and the case of the Applicant/Judgment Creditor would be seriously prejudiced if this Application is not allowed.

4. It is submitted that in view of the aforementioned order the Applicant duly rectified and removed all the objections raised by the department within the prescribed time on 2nd September, 2025 and the said compliance was also duly verified and approved by the department on 3rd September, 2025 and the said sequence of compliance and departmental approval is clearly reflected in the e-Court filing portal, however, fresh objections were raised and learned Counsel draws this Court's attention to Exhibit C.

5. Mr. Naphade, learned Counsel appearing for the Judgment Debtors leaves it to the orders of this Court.

6. Although a perusal of the exhibit does not indicate that any fresh objections have been raised, except the objections which have not been complied with from the list of objections has been set out as on 8th September, 2025, this Court is inclined to allow the Application, subject to payment of costs.

7. Having heard the learned Counsel and having considered the submissions and also having perused the Application and the exhibits, this Court is of the view that subject to payment of costs of Rs. 10,000/- to the Bombay Panjarapole, within a period of two weeks, the Interim Application be allowed, after condonation of delay in terms of prayer Clauses (a) and (b), which read thus:-

“(a) This Hon’ble court may be pleased to allow restoration application and thereby restore the instant Commercial Execution Application (St) no. 3597 of 2024 to its original number;

(b) Delay of 1 days may be condoned.”

8. Subject to the above, let the objections be removed and registered number be obtained within a period of four weeks.

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

(ABHAY AHUJA, J.)

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
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