

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4429 OF 2026

Dhaval Anand Shah ..Petitioner
Versus
Rishi Balwantraai Thakkar ...Respondent

Mr. Rohit Agarwal, with Pratik Barot, i/b Kruti Bhavsar, for the
Petitioner.
Mr. Vijay M Vaghela, for the Respondent.

CORAM: N. J. JAMADAR, J.
DATE : 21st APRIL 2026

ORAL ORDER:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to the orders dated 14th January 2026 and 26th February 2026 passed by the learned Judge, City Civil Court, Mumbai in Execution Application No.0100362 of 2024, whereby a warrant of arrest came to be issued against the Petitioner under the provisions of Order 21 Rule 30 of the Code of Civil Procedure, 1908. The Petitioner thereafter appeared before the learned Executing Court and sought a stay to the execution of the said warrant. However, the matter came to be adjourned to 4th April 2026.

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3. Having regard to the nature of the orders passed by the Executing Court, with the consent of the learned counsel for the Respondents, the impugned orders are quashed and set aside.
4. The application filed by the Respondent/Decree Holder for issuance of arrest warrant stands restored to the file of the Executing Court.
5. The Petitioner/Judgment Debtor shall appear before the Executing Court on 30th April 2026 and file a reply to the application for issuance of the warrant of arrest within one week thereafter.
6. The Executing Court is requested to decide the application for issuance of the arrest warrant afresh, after providing an opportunity of hearing to the Petitioner, as expeditiously as possible, and preferably within a period of four weeks thereafter.
7. The Respondents are at liberty to file an additional affidavit.
8. The petition stands disposed.

[N. J. JAMADAR, J.]