

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

INTERIM APPLICATION NO. 32 OF 2021
IN
COMMERCIAL EXECUTION APPLICATION NO.58 OF 2025

TEJ SINGH MANSINGH BAID)...APPLICANT

V/s.

BLJAYSINGH MANSINGH BAID AND OTHERS)...RESPONDENTS

WITH
INTERIM APPLICATION NO. 3535 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO.58 OF 2025

JAYKUMAR BLJAYSINGH BAID)...APPLICANT

V/s.

TEJ SINGH MANSINGH BAID)...RESPONDENT

Mr.Gauraj Shah i/by Mr.Shreyans Baid, Advocate for the Applicant /
Judgment Creditor.

Mr.Yahya Goghari a/w. Mr.Mustafa Shabbir Shamim, Ms.Prasanna
Pawar i/by Shamim & Co., Advocate for the Respondent no.4/Applicant
in IA/3535/2025.

CORAM : ABHAY AHUJA, J.

DATE : 5th JANUARY 2026

PC. :

1. Mr.Gauraj Shah, learned Counsel for the Applicant, points out
that as regards the objection taken on the last date by Mr.Yahya

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Goghari, learned Counsel appearing for the Respondent no.4 that no steps have been taken as regards the deceased Respondent no.1, Mr.Shah clarifies that pursuant to order dated 11th January 2022 the heirs of the deceased Respondent no.1 have already been brought on record.

2. Mr.Goghari submits that since he was not the Advocate earlier, he was not aware of the same and that with the submission made by Mr.Shah, the said objection be set at rest.

3. Accordingly, this Court proceeds to hear the Interim Application No.3535 of 2025 seeking dismissal / rejection of the Commercial Execution Application on the ground of maintainability / being barred by law.

4. After this matter has been heard for some time and it emerges that the decree dated 14th October 1996 in terms of the award dated 24th June 1995 has been subsumed in the Consent Terms / order dated 4th May 2000 and that the Execution Application has been filed seeking execution of the decree dated 14th October 1996 in terms of the said award, Mr.Shah seeks to withdraw the Execution Application with

liberty to file an Execution Application with respect to the Consent Terms order dated 4th May 2000.

5. The Execution Application is allowed to be withdrawn with liberty as prayed for.

6. In view of the above, the connected Interim Applications also to stand disposed.

7. Mr.Goghari, on instructions, submits that since with respect to the property referred to in the schedule to the Execution Application which has been withdrawn, there are testamentary proceedings pending before another Bench of this Court, he has instructions to state that the Respondent no.4 herein or any of his family member will not create any third party interest or part with the possession of the said property for a period of four weeks. Statement is accepted.

(ABHAY AHUJA, J.)