

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

EXECUTION APPLICATION NO. 1769/2018

ALONGWITH

NOTICE NO. 515/2025

IN

EXECUTION APPLICATION NO. 1769/2018

JAYANTILAL J. BHANUSHALI

..... APPLICANT

VS

ASHOK VALJI SHAH

..... RESPONDENT

ALONGWITH

EXECUTION APPLICATION NO. 1770/2018

ALONGWITH

NOTICE NO. 514/2025

IN

EXECUTION APPLICATION NO. 1770/2018

GEETA ARVIND BHANUSHALI

..... APPLICANT

VERSUS

ANGEL-2 NX AND 6 ORS.

..... RESPONDENTS

Adv. Saurabh Butala a/w. Adv. Nitani D. Mayekar i/b. Adv. Viraj V. Kadam for the Decree Holder.

Adv. Minil Shah i/b. Adv. Nilesh Gala for the Respondents in EXA/1769/2018 and for the Respondent Nos. 2, 3 and 6 in EXA/1770/2018.

CORAM : RAJESH S. PATIL, J.

DATE : 12 FEBRUARY, 2026

PC. :-

1) Learned counsel appearing for the judgment debtors has submitted that the decree was passed in the (i) summary suit on 13 February, 2006 in the proceedings filed against Mr. Ashok Valji Shah for an amount of Rs. 7,23,200/- with 18% interest and (ii) ex-parte decree was passed in a summary suit on 4 December, 2008 against Angel-2 NX for amount of Rs. 2,45,000/- approximately alongwith 12% interest. He submitted that since the amount of decree is less than Rs. 10 crore, the execution application in this Court would not be maintainable.

2) To canvass his point, he has referred to the judgment delivered by the Single Judge of this Court (Coram : Abhay Ahuja, J.) in ***Execution Application No. 1114 of 2011*** dated 24 June, 2024 in case of ***Shriram Chit (Mah) Limited vs. Vijay Maruti Patil & Ors.***

3) Learned counsel appearing for the decree holders after going through the judgment of ***Shriram Chit (Mah) Limited*** (supra) on instructions submits that the decree holder is seeking liberty to transfer these proceedings from this Hon'ble Court to the Bombay City Civil Court in view of the change in monetary jurisdiction of the Bombay City Civil Court.

4) Learned counsel appearing for the judgment debtors has

further raised an argument that apart from the jurisdiction of this Court in execution applications, there are other issues on which the execution applications are not maintainable. He has submitted that he had sought inspection of the documents from the decree holders. However, there was no response from the advocate appearing for the decree holder and the inspection was not given to him.

- 5) I have heard learned counsel for the parties.
- 6) Paragraph nos. 23 and 25 of the judgment in case of ***Shriram Chit*** (supra) read as under :-

23. Therefore, the Execution Applications would have to be filed before the Civil Court having jurisdiction, which would have to be determined inter alia on the basis of the pecuniary jurisdiction. The issue of pecuniary jurisdiction gains significance since there does not appear to be any dispute as regards the territorial jurisdiction of this Hon'ble High Court or the Bombay City Civil Court in relation to these Execution Applications.

25. In the light of the above discussion, I am of the view that since the pecuniary jurisdiction of the Bombay City Civil Court was enhanced to Rs.1 Crore in the year 2012 by Notification dated 23rd August 2012 and 1st September 2012, all of the above Execution Applications except one viz. Execution Application No.1114 of 2011 would have to be allowed to be withdrawn to be filed before the Bombay City Civil Court. Accordingly, all of the above applications except Execution Application No.1114 of 2011 are allowed to be withdrawn and disposed as such.

- 7) Admittedly, the decree passed is less than Rs.10 crores.

The ratio laid down in ***Shriram Chit*** (supra) is squarely applicable to

the facts of this case. In view of the judgment delivered by this Court in case of *Shriram Chit* (supra), the **execution applications alongwith pending Notices/Interim Applications stand transferred to the Bombay City Civil Court at Mumbai within a period of four weeks from today.**

8) The learned Judge hearing the execution applications, should hear the parties on merits, on all issues raised by both the parties.

9) Parties to appear before the City Civil Court on 26 March, 2026.

10) All concerned to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]