IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 4103 OF 2025

IN

COMMERCIAL EXECUTION APPLICATION NO. 78 OF 2025

Nusi ITF Trust For Indian Seafarers … Applicant

Versus

Wockhardt Hospital Limited … Respondent

………..

Mr. A.M. Kapadia alongwith Ms. Ayesha Damania instructed by Mr. Pratik Salgaonkar, Advocate for the Applicant.
Mr. Vikram Deshmukh alongwith Ms. Kamini Pansare instructed by VM Legal, Advocate for the Respondent.

………..

CORAM : ABHAY AHUJA, J.

DATE : 12 FEBRUARY 2026

<u>P.C.</u> :

1. Pursuant to the order dated 10th November 2025, today when the matter is called out, Mr. Deshmukh, learned Counsel, appearing for the Respondent tenders across the bar, an affidavit of further disclosure on behalf of the Respondent dated 3rd December 2025, submitting that the said affidavit of further disclosure is in terms of the order dated 10th November 2025.

2. Mr. Kapadia, learned Counsel, appearing for the Applicant opposes the submissions made on behalf of the Respondent, submitting that no where in the said Affidavit, it has been stated that the assets

disclosed are unencumbered. Moreover, assets disclosed in Exhibit A are outside the jurisdiction of this Court and none of the assets in Mumbai have been disclosed. Mr. Kapadia further submits that even the submissions made on behalf of the Respondent that the Respondent has adequate funds and resources at its disposal to meet any liability under the impugned award are false, in as much as a perusal of the balance-sheet clearly indicates that accumulated losses of Rs.564 Crores as on 31st March 2025 and even if the paid up capital of Rs.140 Crores is taken into account, even then the accumulated losses would be Rs.428 Crores and there is no way that the Respondent can meet the claim under the award of Rs.60 Crores.

3. Mr. Kapadia further submits that Exhibit-B of the further affidavit indicates bank accounts and balances therein as on 31st March 2025, which total to an amount of Rs.19.86 crores, which is also not sufficient to meet the liability under the award. That this Court may accordingly direct the Respondent to make proper and complete disclosures with respect to the assets in Mumbai in addition to the updated amounts in the bank accounts disclosed at Exhibit-B of the further affidavit.

4. Mr. Kapadia submits that therefore this Court may restrain the Respondent from in any manner, dealing with or disposing of any assets

and also debit freeze of the accounts including the accounts mentioned at Exhibit B to the further affidavit.

5. Mr. Deshmukh submits that the only prayers sought in the Interim Application are for disclosure but not for attachment.

6. I have heard the learned Counsel at some length today and also considered their submissions and pass the following order :

(i) Let the Respondent through its Director make a further disclosure on oath with respect to the unencumbered assets, movable and immovable within Mumbai jurisdiction, with all details and particulars within a period of three weeks.

(ii) Let the Respondent give details of the amounts lying in all the accounts of the Respondent as on date within a period of one week.

(iii) Until the next date : (a) the Respondent not to in any manner whatsoever, deal with or dispose of any of its properties, movable or immovable, tangible or intangible, except in the ordinary course of business, (b) All the accounts of the Respondent including the accounts mentioned in the Exhibit-B to the further affidavit dated 3rd December 2025 are debit frozen to the extent of Rs.15 Crores.

7. List on **18th March 2026**.

(ABHAY AHUJA, J.)

KANCHAN PRASHANT DHURI

Digitally signed by KANCHAN PRASHANT DHURI
Date: 2026.02.13 12:36:32 +0530