

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

COMM. CHAMBER SUMMONS NO.104 OF 2018
IN
COMM. EXECUTION APPLICATION (L) NO.209 OF 2018

L & T. Finance Ltd.

.. Applicant

Versus

Cedar Infonet Pvt. Ltd. and ors

.. Respondents

Mr. Padmakr Garad, Advocate i/b. S.G. Legal & Associates for the Applicant.

None for the Respondents.

CORAM : ABHAY AHUJA, J.

DATE : 8th FEBRUARY, 2024

PC. :

1. When the matter is called out Mr. Garad, learned Advocate appears for the Applicant and submits that despite the earlier order of this Court commencing from 3rd January 2020 directing Defendant No.1 to disclose the details of their assets and means thereof, there has been no compliance till date and that too despite fresh notice having been served upon Defendant No.1 as per order dated 2nd January 2024. Therefore, he presses for prayer clauses (l) and (m) of the Chamber Summons.

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2. Having heard the learned Advocate for the Plaintiff / Applicant and having considered the conduct of Defendant No.1, this Court is constrained to allow prayer clauses (l) and (m) which read thus:

- (l) The Judgment Debtor Defendant No.1 through Managing Director be arrested by issuing a warrant for arrest as per the provision of Order XXI Rule 37 Sub-rule 2 of the Code of Civil Procedure;*
- (m) The Judgment Debtor Defendant No.1 through Managing Director be arrested and shall be brought before the Hon'ble Court as per the order XXI Rule 38 of the Code of Civil Procedure;*

3. Let the arrest warrant be issued and executed by the next date of hearing. Let the Managing Director of Defendant No.1 remain present in-person on the next date of hearing.

4. List the matter on **29th February 2024**.

(ABHAY AHUJA, J.)