



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO.1130 OF 2018  
IN  
COMMERCIAL EXECUTION APPLICATION NO.1341 OF 2018  
WITH  
CHAMBER SUMMONS NO.5 OF 2019  
IN  
COMMERCIAL EXECUTION APPLICATION NO.1341 OF 2018**

Disha Constructions ... Applicant/Judgment Creditor  
Vs.  
Lok Constructions and ors. ... Respondents/Judgment Debtors

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Ms. Kausar Banaatwala with Ms. Ruchi Gandhi i/by Mr. Tushar Goradia,  
Advocates for the Applicants/Judgment Creditors.

Mr. Janay Jain with Mr. Aseem Nafde, Mr. Rahul Hakani and Mr. Abhay  
Wadhva and Mr. Vishesh Srivastav, Advocates for the Respondents No. 1  
to 4 / Judgment Debtors No.1 to 4.

Mr. Anand Iyer i/by M/s Divya Shah Associates, Advocate for the  
Respondent No.6/Judgment Debtor No.6/Applicant in Chamber Summons  
5 of 2019.

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**CORAM : ABHAY AHUJA, J.  
DATE : 21 FEBRUARY, 2024.**

**PC. :**

**CHAMBER SUMMONS NO.1130 OF 2018  
IN  
COMMERCIAL EXECUTION APPLICATION NO.1341 OF 2018**

1. This Chamber Summons has been filed on behalf of the Judgment

Creditor seeking disclosure and other prayers from the Respondents.

2. Ms. Kausar Banaatwala, learned counsel appears for the Applicant and submits that earlier disclosures have been made and she would take instructions on the further steps.

**CHAMBER SUMMONS NO.5 OF 2019  
IN  
COMMERCIAL EXECUTION APPLICATION NO.1341 OF 2018**

3. This Chamber Summons has been taken out by the Respondent No. 6 seeking to raise attachment.

4. When the matter is called out, Mr. Anand Iyer, learned counsel appears for the Applicant in this Chamber Summons and submits that Respondent No.5 has passed away and her heirs would need to be brought on record and that as far as Respondent No.6 is concerned, the Resolution Professional has been appointed in the matter. That both these developments need to be reflected in the proceedings by way of amendment.

5. Ms. Kausar Banaatwala, learned counsel appears for the Judgment Creditor and raises a grievance that although the Respondent No.6 was aware way back on 3<sup>rd</sup> June, 2019, that the Resolution Professional was appointed, but despite that and even after appearing on 3<sup>rd</sup> February, 2020 only to delay the payment to the Judgment Creditor, the learned counsel is now bringing this fact to the notice of the Court.

6. Be that as it may, let the proceedings be amended to bring the heirs of deceased Respondent No.5 on record and let the Resolution Professional appointed in respect of Respondent No.6 also be brought on record. Let the said amendments be carried out by 13<sup>th</sup> March, 2024 and copies of the amended proceedings be served on the other parties.

7. List on 14<sup>th</sup> March, 2024.

8. The learned counsel for the parties agree that orders in paragraphs No.4 and 5 of the Order dated 1<sup>st</sup> April, 2019 to continue till the next date.

**(ABHAY AHUJA, J.)**