

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13139 OF 2026

Siddhivinayak Hospital Venture of Siddhivinayak
Centre of Excellence For Health Pvt Ltd

Versus

Jyoti Pravin Mundhadha and Ors ...Respondents

Dr Uday Warunjikar, with Prasad Nagargoje, for the Petitioner.
Mr. Giridhar G Bhansali, for Respondent No1.
Mr. Devashish Godbole, for Respondent Nos. 2 and 3.

CORAM: N. J. JAMADAR, J.

DATE : 15th OCTOBER 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 15th September 2026 passed by the learned Civil Judge, Thane, whereby an attachment warrant under the provisions of Order XXI Rule 43 of the Code of Civil Procedure, 1908 (“the Code”) has been issued in execution of Consent Decree passed in SCS No. 251 of 2025.
3. The learned Civil Judge has recorded that out of the amount of Rs.3,25,00,000/- which has become due and payable under the Consent Decree, an amount of Rs.73,00,000/- has been paid and the Execution Petition was filed to recover the balance amount of Rs.2,57,00,000/-.

4. Dr. Warunjikar, the learned Counsel for the Petitioner-Plaintiff, submits that the liability to pay the amount, in accordance with the Consent Terms, was primarily that of Defendant Nos. 1 and 2 therein but the Plaintiff had agreed to pay a sum of Rs.3,25,00,000/- for and on behalf of Defendants. Defendant No. 2 has filed an undertaking to pay the said amount. Therefore, the execution and operation of the impugned order attaching the property of the Plaintiff deserves to be stayed.

5. When this Court expressed its disinclination to entertain the aforesaid submissions, Dr. Warunjikar, the learned Counsel for the Petitioner, on instructions submits that the Petitioner would deposit a sum of Rs. 1,00,00,000/- before the executing Court.

6. Mr. Godbole, the learned Counsel for Respondent Nos. 2 and 3, on instructions, submits that Respondent Nos. 2 and 3 are also willing to deposit a sum of Rs.25,00,000/- before the executing Court.

7. Mr. Bhansali, the learned Counsel for Respondent No.1-Decree Holder, opposes the grant of indulgence to the Petitioner and Respondent Nos. 2 and 3. It was submitted that the Petitioner and Respondent Nos. 2 and 3 have given multiple assurances before the executing Court, and resiled therefrom. Therefore, the executing Court was constrained to issue the attachment warrant.

8. It appears that the executing Court has issued the attachment warrant qua the property of the Petitioner-Judgment Debtor No.1. The Petitioner has shown willingness to deposit a substantial amount of Rs.1,00,00,000/-. In addition, Respondent Nos. 2 and 3 intend to deposit a sum of Rs.25,00,000/- before the executing Court. That leaves a balance amount of Rs.1,32,00,000/-

9. Mr. Godbole, the learned Counsel for Respondent Nos. 2 and 3 submits that, consistent with the undertaking filed before the executing Court, Respondent Nos. 2 and 3 would deposit the balance amount of Rs.1,32,00,000/- before executing Court, within a period of 90 days.

10. Mr Bhansali, the learned Counsel for Respondent No.1-Decree Holder, submitted that in the event time is granted to Petitioner and Respondent Nos. 2 and 3 to deposit the amount, they be directed to pay penal interest on the balance amount.

11. In the light of aforesaid statements, this Court considers it appropriate to give some time to the Petitioner and Respondent Nos. 2 and 3 to comply with the undertakings in the Consent Term, subject to deposit of the amount of Rs.1,25,00,000/-. To test the bonafide of the Petitioner and Respondent Nos. 2 and 3, it would be appropriate to suspend the execution and operation of the impugned order for a limited duration.

12. Hence, the Petition stands disposed with the following directions:

(i) Subject to the deposit of a sum of Rs.1,00,00,000/- by the Petitioner (JD1) and an amount of Rs.25,00,000/- by Respondent Nos. 2 and 3 (JD Nos. 2 and 3), before the executing Court by, 17th October 2026, the execution and operation of the impugned order shall remain suspended till Monday, 19th October 2026.

(ii) In the event of default in the deposit of the aforesaid amount by 17th October 2026, the impugned order shall become operative and enforceable with effect from 20th October 2026.

(iii) In the event, the aforesaid amount of Rs.1,25,00,000/- is deposited by the Petitioner and Respondent Nos. 2 and 3 by 17th October 2026, the execution and operation of the impugned order shall remained suspended for a further period of 10 weeks on the condition that Respondent Nos. 2 and 3 shall deposit the balance amount of Rs.1,32,00,000/- before the executing Court, within the said period of ten weeks.

(iv) In the event, Respondent Nos. 2 and 3 commit default in the deposit of the balance amount of Rs.1,32,00,000/-, within the said period of ten weeks,

the impugned order shall become operative and enforceable qua the Petitioner (JD No.1), without further reference to the executing Court or this Court.

Petition disposed.

[N. J. JAMADAR, J.]