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

**EXECUTION APPLICATION NO.210 OF 2011  
IN  
SUIT NO. 3782 OF 1989**

Ram Tuljaram Shahani

...Plaintiff

Vs.

Bhagwan Tuljaram Shahani & Ors.

...Defendants

Mr. Raj Patel a/w. Mr. Nimay Dav, A,eu Manar  
i/b. Hariani & Co. for Applicant

Mr. Kishore Hase i/b. V.S. Kokitkar for Defendant No.7  
Mr. K. Somasunder i/b. Krishnamurthy for Bidder  
Mr. R.S. Sawant, 2<sup>nd</sup> Bailiff & Cashier of the  
office of the Sheriff of Mumbai

**CORAM : MRS. ROSHAN DALVI, J.  
DATED : 28<sup>TH</sup> NOVEMBER, 2013**

**P.C. :**

1. The suit property which was agreed to be sold by consent has been sold by the Sheriff of Mumbai. The valuation of the property has been shown to be Rs.6.26 Crores. The reserve price was also fixed at Rs.6.25 Crores. The suit property has been auctioned for Rs.6.30 Crores. The auction purchaser has deposited part amount as the rules of this Court in the office of Sheriff, Mumbai.
2. The auction purchaser desires the title deeds to be handed

over to him so that he would avail of bank loan.

3. The defendant Nos. 2 and 7 who are the only contesting parties in the execution application state that they do not have the original title deeds as the suit property was purchased prior to 1950 by their mother. After the death of the mother the suit property was transferred in the name of their father. After the death of the father the share certificate was transferred in the names of Ms. Vindri T. Shahani, Ms. Jethi T. Shahani and Mrs. Janki Karam. The defendant No.2 has tendered the original share certificate issued by the Society in the aforesaid three names.
4. The transfer has been effected on 29<sup>th</sup> January, 2010. The original certificate is kept on record. A photocopy is handed over to the auction purchaser to be shown to the bank.
5. The sale would be confirmed subject to the auction purchaser obtaining the finance for the payment of the balance amount.
6. S.O to 6<sup>th</sup> December, 2013.

**(ROSHAN DALVI, J.)**