

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
COMM. EXECUTION APPLICATION NO. 266 OF 2020  
IN THE MATTER OF REF. NO. ARB/COS/05/2013**

The Cosmos Co-op. Bank Ltd. ....Plaintiff / Decree Holder  
V/s.

Krishna Structural Steel (I.) Ltd. & Ors. ....Defendant/ Judgment Debtor

Mr. Jayant Gaikwad, Advocate for Decree Holder

Mr. Tapan Shah, Judgment Debtor No. 10 present in person

**Before : S. T. Kapse**

Commissioner for Taking Accounts

Date : 24<sup>th</sup> March, 2022

**CALLED FOR DIRECTIONS :**

1. In the present matter, Warrant of Sale has been lodged in this office for issuance of Proclamation of Sale in respect of properties mentioned therein. After lodgement of Warrant of Sale, this office has issued Notice to the Claimant as well as to the Judgment Debtors. Ld. Advocate for Decree Holder submits that he has already published Notice to the claimants in the newspaper and undertakes to file Affidavit of Service on or before next date.

2. Today, Mr. Tapan Shah, Judgment Debtor No. 10 is present pursuant to the Notice to the Judgment Debtors. He submits that the property in question has already been mortgaged with Claimant Bank and documents of Title Deeds are already with the Claimant Bank.

3. On the other hand, Ld. Advocate for Decree Holder submits that as per the Court's Order in the present matter, the Decree Holder is proceeding in the matter only to the extent of 25% share in right, title and interest of the ownership residential premises of Judgment Debtor No. 10. He submits that he will examine the documents and make submission on next date.

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3. Ld. Advocate for Decree Holder as well as Judgment Debtor No. 10 to file Affidavits giving details of the properties in question such as names of owner as per record of Society, area of the property, information about outstanding maintenance, if any, xerox copy of Share Certificates, information about lien, mortgage, claim or any other charge or encumbrances recorded in the records of the Society and about person in occupation as per record of the society; and serve copy of the said Affidavits upon each other well in advance before next date.

4. As per Notice to the Claimant, Claimants can file claims on or before 20.04.2022. Therefore, the matter is adjourned to 22.04.2022.

**24.03.2022**

**Commissioner for Taking Accounts**