

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

**EXECUTION APPLICATION NO. 129 of 2012  
ARB/CASE/ARB/SVC/R/124/2009**

The Shamrao Vithhal Co-op. Bank Ltd. .... Decree Holder  
Vs.  
Apeksha Enterprises & Ors. .... Judgment Debtor  
And  
Vijay Warty .... Third Party Claimant

None present

**Before : S. T. Kapse**  
Commissioner for Taking Accounts  
Date : 12<sup>th</sup> July, 2022

**CALLED FOR DIRECTIONS :**

1. The present matter is pending since long. Upon perusal of record it appears that in the present matter, by Order dated 5<sup>th</sup> April, 2016, present matter was removed from board under Rule 498 of Bombay High Court (Original Side) Rules. It further appears that by subsequent Order dated 12<sup>th</sup> June, 2019 passed in Chamber Summons No. 427 of 2017, the Hon'ble Court has restored the matter before this office. Hence, today the matter is listed before me.
2. Today, no-one is present on behalf of the parties and / or Advocates. It appears that in the present matter, Notice to the Claimants was issued and service of the same is also effected. It also appears that in the present matter, Mr. Vijay Warty, Third Party Claimant has filed his Affidavit; to which Decree Holder has filed his Reply. It also appears that in the present matter, Notice to the Judgment Debtors is not yet issued.
3. In view thereof, office to issue Notice to the Judgment Debtor as per Rule 579 of Bombay High Court (Original Side) Rules, returnable on 11<sup>th</sup> August, 2022. Ld. Advocate for Decree Holder shall effect service of Notice upon Judgment Debtors and file Affidavit of Service on or before next date.
4. Office to inform Advocate for Decree Holder about today's order and to remain present on next date.
5. Adjourned to 11<sup>th</sup> August, 2022.

12.07.2022

**Commissioner for Taking Accounts**