

**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

Mr. Jayant Gaikwad i/b. Mr. Vishal Narkar, Advocate for Decree Holder

Before : Mrs. Shonali K. Dighe
Commissioner for Taking Accounts
Date : 5th April, 2023

CALLED FOR DIRECTIONS :

1. On last occasion, Ld. Advocate for Decree Holder was directed to get the returnable date of Warrant of Sale extended. In view of the said order, he has collected duplicate of Warrant of Sale on 03rd April, 2023 for taking steps for extension of returnable date.
2. By an order dated 06th February, 2023, Decree Holder was directed to produce online database and information regarding the Registered charges on the immovable property mentioned in Warrant of Sale. Ld. Advocate for Decree Holder is directed to comply with the said direction on or before next date.
3. Upon perusal of record, it is noticed that office has received Reply from the Society giving information of the ownership of flat on 27th November, 2015; however, thereafter the aforesaid Warrant of Sale was removed from board which was restored vide Order dated 12th June, 2019 passed by the Hon'ble Court.
4. Office is directed to issue Notice to the Society asking for details and current status of the property mentioned in Warrant of Sale 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

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the Society and about person in occupation as per record of the society and information regarding any legal proceedings are filed in respect of the said property within their knowledge. Notice is made returnable on 14th June, 2023.

5. Ld. Advocate for Decree Holder to take steps to serve the said Notice upon Society and file Affidavit of Service to that effect on or before next date.

6. It further appears that in the Affidavit of Claim dated 12th July, 2013 of Vijay Varty, Third Party Claimant has not annexed any document in support of his claim.

7. Advocate for Third Party Claimant is directed to submit Title Deeds of the property in support of his claim.

8. Matter is adjourned to 14th June, 2023. Office to place the matter under the caption 'For Deciding Claim.'

05.04.2023

Commissioner for Taking Accounts