

**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. Shashank Ghag, Registered Clerk of Mr. Vishal Narkar, Advocate for Decree Holder

Mr. Utkarsh Sanadi i/b. M/s. A.P. Steenson & Associates, Advocate for Third Party Claimant

Mr. Siddharth Kaikini, Legal Officer of Decree Holder bank

Before : Mrs. Shonali K. Dighe
Commissioner for Taking Accounts
Date : 14th June, 2023

CALLED FOR DECIDING CLAIM :

1. Today, Advocate for Decree Holder tenders Affidavit of Service proving service of Notice upon Secretary / Chairman of Suyash Co-op. Hsg. Soc. Ltd. The same is taken on record. However, reply from the Society is awaited.

2. Upon perusal of record, it is observed that Advocate for Decree Holder has applied on 21st July, 2014 for withdrawal of duplicate copy of Warrant of Sale for the purpose of extension of the returnable date from the record of this office, whereas, thereafter the said Warrant of Sale was not returned to this office.

3. It appears that by letter dated 07th January, 2020 Advocate for Decree Holder has submitted copy of Order dated 12th June, 2019 passed by Hon'ble Court in Chamber Summons No. 427 of 2017 in Execution Application No. 129 of 2012 by which Execution Application was restored. In the said letter, Advocate for Decree Holder has again applied for return of Warrant of Sale to extend the returnable date. Whereas, at the relevant time, the said Warrant of Sale was not on record as it was not submitted after its amendment in this office. Advocate for

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Decree Holder to return the duplicate of Warrant of Sale collected in the year 2014 and / or get the said Warrant of Sale reconstructed and submit amended copy duly extended.

4. Today, registered Clerk of Advocate for Decree Holder is present and submits that he does not have instructions from his senior. The Clerk of Advocate for Decree Holder is directed to submit his Authority, if he wants to appear in the matter on the next adjourned date. If he fails to submit his Authority, appearance on behalf of Advocate for Decree Holder will not be recorded henceforth in any matter.

5. Advocate for Decree Holder is directed to comply with directions given earlier, on or before next adjourned date.

6. With the above directions, matter is adjourned to 28th August, 2023.

14.06.2023

Commissioner for Taking Accounts