

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO. 290 OF 2020
IN
SUIT NO. 2442 OF 2012**

Atlanta Limited	Plaintiff / Decree Holder
V/s.	
Samrina Arif Khan	 Defendant/ Judgment Debtor
And	
Nirman Industrial Estate Co-op. Premises Society Ltd.	 Third Party Claimants

None for Decree Holder

Mr. Anil R. Mishra, Advocate for Third Party Claimant

Before : Mrs. Shonali K. Dighe
Commissioner for Taking Accounts
Date : 24th March, 2023

CALLED FOR DECIDING CLAIM :

1. In the present matter, by an Order dated 10th March, 2023 Advocate for Decree Holder was directed to file Say to the Affidavit filed by Third Party Claimant. He was also directed to provide name of Society with whom property mentioned in Warrant of Sale was registered other than the property which is claimed by the Claimant.
2. It appears that till date Advocate for Decree Holder has not provided details of the Society and therefore, Notice was not served upon Society. Advocate for Decree Holder was absent on 20th December, 2022 and 31st January, 2023. On last occasion, he was represented by his Managing Clerk. Whereas today also, no-one is present on behalf of Decree Holder. The Decree Holder is not taking steps in furtherance of the claim made by him in the present Warrant of Sale.
3. Hence, Office to send Notice to Advocates for Decree Holder. Notice to state that – 'You are hereby directed to remain present in this office on the

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returnable date without fail and inform this office the present status of the matter, failing which matter will be removed under Rule 498 of Bombay High Court (Original Side) Rules, for non-prosecution of the matter.'

4. Notice is made returnable on 6th June, 2023. Office is directed to send Notice through E-mail to Advocate for Decree Holder and also inform him telephonically.

4. Stand over to 6th June, 2023. Office to place the matter under the caption 'For Removal under Rule 498 of Bombay High Court (Original Side) Rules'.

24.03.2023

Commissioner for Taking Accounts