

**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

Mr. Jainil Vashi i/b. M/s. M.P. Vashi & Associates, Advocate for Decree Holder
None for Third Party Claimant

Before : Mrs. Shonali K. Dighe
Commissioner for Taking Accounts
Date : 6th June, 2023

CALLED FOR REMOVAL U/R 498 OF H.C.O.S. RULES :

1. As directed on last occasion, this office has sent E-mail dated 06th May, 2023 to the Advocate for Decree Holder to remain present. Accordingly, today, Advocate for Decree Holder is present.
2. Ld. Advocate for Decree Holder submits that the property prescribed under Consent Terms dated 3rd September, 2019 i.e. part of plot of land bearing CTS No. 1108 (ad-measuring 568.8 sq.m.) situated at Devrukhkarwadi, Mindspace, Behind Evershine Mall, Link Road, Malad (W), Mumbai – 400 054 was given as a security for decretal amount. He further submits that the Plan of the said property showing the said land is also annexed alongwith the said Consent Terms and accordingly, Hon'ble Court has passed Order dated 3rd September, 2019.
3. Perused Affidavit dated 13th October, 2022 filed by Decree Holder. An Interim Application (L) No. 535 of 2021 taken out by Objector for grievance regarding property which is attached by Decree Holder does not belong to Judgment Debtor, is still pending before the Hon'ble Court. In the said Affidavit filed by Decree Holder dated 13th October, 2022, the grievance of Objector is already clarified in Para No. 8.
4. Pursuant to directions given by the Hon'ble Court in Chamber Summons No. 1094 of 2017 in Execution Application No. 83 of 2012 dated 26th September 2018,

As per Para No. 18 of the said Order, Original Side Registry in execution is directed to verify and ascertain from Decree Holder moving execution to check the available online database and registries for registered charges, or ascertain independently that whether the property belongs to the Judgment Debtor and is capable of being put into execution. In view of the said direction, Advocate for Decree Holder is directed to file Affidavit giving details of the property in question as mentioned in the said order.

5. In the present matter, Warrant of Sale was lodged in this office on 17th February, 2022. It appears that returnable date of Warrant of Sale has expired on 16th February, 2023. Ld. Advocate for Decree Holder to take steps to get the returnable date of Warrant of Sale extended, on or before next date.

6. In view of above, matter is adjourned to 20th June, 2023.

06.06.2023

Commissioner for Taking Accounts