

**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

Ms. Aparna Devkar i/b. M/s. M.P. Vashi & Associates, Advocate for Decree Holder

Before : Mrs. Shonali K. Dighe
Commissioner for Taking Accounts
Date : 3rd October, 2023

CALLED FOR DIRECTIONS :

1. Upon perusal of the matter, it appears that Decree Holder has filed Affidavit for issuance of Proclamation dated 13th October, 2022; wherein it is mentioned that Warrant of Attachment dated 28th February, 2021 came to be issued in respect of two properties mentioned in Warrant of Sale.

2. Ld. Advocate submits that Nirman Industrial Estate Co-op. Premises Soc. Ltd. have filed their objection to auction showing CTS No. 1097A as CTS No. 1108. The said Objectionist has also filed Interim Application (L) No. 535 of 2021 for raising of attachment before the Hon'ble Court. She further submits that in view of pendency of Interim Application in respect of property No. 1 mentioned in Warrant of Sale, Decree Holder desires to proceed for issuance of Proclamation of Sale in respect of second property i.e. Plot of land bearing Survey No. 429, Hissa No. 1/3, CTS No. 1069 / A/2, At Village Malad, Taluka Borivali, Behind Evershine Mall, Link Road, Malad (W), Mumbai – 400 064. In support of the statement, Decree Holder has attached 'Description of property' at Exhibit "E" to the said Affidavit; wherein the name of Judgment Debtor i.e. Samina Arif Khan alias Dhanalaxmi Chandra Devrukhkar is shown at Entry at Sr. Nos. 1 and 3 as the owner of the property. The said Judgment Debtor has not filed her Affidavit in Reply opposing claim filed by Decree Holder; so also, has not filed any Application for raising of attachment before the Hon'ble Court.

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3. Ld. Advocate for Decree Holder prays that Proclamation can be issued in respect of second property.
4. In view of above, Ld. Advocate for Decree Holder is directed to provide draft of Proclamation of Sale alongwith its soft copy.
5. Matter is adjourned to 25th October, 2023. Office to place the matter under the caption “For Deciding Claim / For Settling Proclamation of Sale”.

03.10.2023

Commissioner for Taking Accounts