

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION (L) NO. 11662 OF 2024
IN
COMMERCIAL EXECUTION APPLICATION (L) NO. 11070 OF 2024

NKGSB Co-operative Bank Ltd. ...Applicant
V/s.
Girija Ramesh Pillay & Anr. ...Respondents

WITH
INTERIM APPLICATION (L) NO. 11662 OF 2024
IN
COMMERCIAL EXECUTION APPLICATION (L) NO. 11070 OF 2024

Ms.Khushboo Agarwal,Advocate for the Applicant.
Mr. O. A. Das for Respondents No. 1 and 2.
Ms. Dhanashri B. Wakchaure for Respondent No.3.

CORAM : ABHAY AHUJA, J.
DATE : 10th JULY, 2024

P.C. :

1. When the matter is called out, Ms. Agarwal, learned Counsel for the Applicant appears and seeks some time to file rejoinders in these matters, however, submitting that the service to Respondent No. 4 has not been effected and some time be granted for the same as well. Ms. Agarwal, also, submits that this Court at least direct the Respondents to maintain status-quo with respect to their assets.

2. Mr. Das, learned Counsel appearing for the Respondents No. 1 and 2 in both these applications submits that the two flats in question have been mortgaged to the Applicant-bank and it would be in the fitness of things that the Applicant-bank liquidate the mortgaged assets under SARFAESI to recover dues rather than the pursuing the execution proceedings.

3. Ms. Wakchaure, learned Counsel appears for the Respondent No.3 and submits that the Respondent No. 3 has been a guarantor for both these housing loans and that some time be granted to file vakalatnama as well as reply.

4. Having heard the learned Counsel and having considered their submissions the following order is passed:-

ORDER

- i. Let vakalatnama be filed on behalf of the Respondent No.3 by the next date.
- ii. Let the service to unserved Respondents also be effected by the next date and an appropriate affidavit of service be filed.
- iii. Let replies and rejoinders with copies to the others be filed by the next date.

- iv. Till the next date the Respondents not to in any manner, whatsoever, deal with or dispose of their assets, movable or immovable, tangible or intangible.
- v. List on **21st August, 2024.**

(ABHAY AHUJA, J.)