

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL EXECUTION APPLICATION NO. 66 OF 2023
IN
TRANSFERRED DECREE DATED 27.01.2022
IN
CIVIL (COMMERCIAL) SUIT NO. 650 OF 2019
BEFORE
THE HON'BLE HIGH COURT OF JUDICATURE AT MADRAS**

Vivriti Capital Ltd. Applicant / Decree Holder
V/s.
Bell Finvest India Ltd.
& Ors.Respondents/Judgment Debtors

Ms. Benedicta Lobo, i/b. M/s. Katariya & Associates, Advocate for Applicant.

Mr. Vinit J. Mehta, Advocate for Respondent No. 2 (V.P. not filed).

Before : Mrs. Shonali K. Dighe
Commissioner for Taking Accounts
Date : 09th September, 2024

CALLED FOR DIRECTIONS :

- Sr.no.5
1. Heard, Ld. Advocate appearing on-behalf of Claimants as well as Respondent.
 2. In the present matter, Warrant of Sale dated 05th June, 2024 has been lodged in this office on 19th June, 2024 for issuance of Proclamation of Sale in respect of properties mentioned therein. After lodgment of Warrant of Sale, this office has issued Notice to the Claimant as well as to the Judgment
.... 2

Debtors. Ld. Advocate for Decree Holder has filed Affidavit of Service of both the said Notices.

3. This office has not received any Affidavit of claim pursuant to Notice served upon Claimants.

4. In the present Warrant of Sale, Plaintiff had attached properties viz., 50 % share, of Respondent No. 2 in right, title and interests of the ownership of office premises bearing No. 1107 admeasuring of built-up area 500 sq.ft on the 11th floor of the building known as "Maker Chambers V" together with open parking plot NO. 34, at 221, Nariman Point, Mumbai 400 021 situated at Plot C.S. No. 1962, consisting of stilt plush 15 floors, (with lift) along with all right, title and interest and benefits attached to the said office premises."

5. Office is directed to issue Notice to the society address of which is mentioned herein above, asking for details of the property mentioned in Warrant of Sale such as – names of owner as per record of Society, area of the property, information about outstanding maintenance, if any, xerox copy of Share Certificates, information about lien, mortgage, claim or any other charge or encumbrances recorded in the records of the Society and about person in occupation as per record of the society and information regarding any legal proceedings are filed in respect of the said property within their knowledge. Notice is made returnable on 14th October, 2024.

6. Ld. Advocate for Decree Holder to take steps to serve the said Notice upon the society and file Affidavit of Service to that effect on or before next date.

7. 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.

8. Matter is adjourned to 14th October, 2024.

09.09.2024

Commissioner for Taking Accounts