

**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.

None present for Respondent No. 1

Mr. Vinit J. Mehta, Advocate for Respondent No. 2.

Before : Mrs. Shonali K. Dighe
Commissioner for Taking Accounts
Date : 03rd December, 2024

CALLED FOR SETTLING PROCLAMATION OF SALE:

- Sr.no.6
1. Heard, Ld. Advocate appearing on-behalf of Applicant as well as Advocate for Respondent No. 2. None present for Respondent No. 1
 2. Earlier the present matter was listed for settling Proclamation of Sale. Today also, the

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present matter is listed for settling Proclamation of Sale.

3. Ld. Advocate for Applicant has submitted amended Warrant of Sale. I have perused the said amended Warrant of Sale.

4. Ld. Advocate for Respondent No. 2 submits that, Debt Recovery Tribunal had already attached property in the name of Respondent No. 1 and not Respondent No. 2. Advocate for Respondent No. 2 have already argued for Respondent No. 2 on the last occasion. Ld. Advocate for Applicant had submitted proof of title so also, Notice was issued to the Society and Society has filed their reply by letter dated 18th October, 2024 .

5. Ld. Advocate for Applicant had already filed copy of additional Affidavit in support of execution application dated 04th September, 2023 which is submitted in Execution Proceedings. Exhibit 'C' of the Affidavit is copy of title verification, Search Report and Non-Encumbrance Certificate and Exhibit 'D' is Deed of confirmation. It is the contention of Advocate for Applicant that the property mentioned in Warrant of Sale is purchased by Respondent No. 2 on-behalf of Respondent No. 1 being a director of Respondent No. 1 and therefore said property can be attached as transaction is made by Respondent No. 2 in the name of Respondent No. 1 i.e. Bell Finvest India Ltd.

6. Ld. Advocate for applicant further submits that, till today Respondent No. 1 company has not appointed Advocate to represent them nor any representative appeared before this forum. Ld. Advocate further submits that, Respondent No. 1 company has not filed any application to oppose Execution Proceedings so also, they have not obtained stay order for attachment of the property and/or Warrant for Sale.

7. By an order dated 26th November, 2024 passed by the Hon'ble Court, Registry is directed to issue Proclamation of Sale of the attached schedule premises of the Respondent No. 1 and to proceed in accordance with law.

8. Today, the matter is placed for settling Proclamation of Sale. Draft of Proclamation of Sale discussed with Advocate for Decree Holder and the same is settled as corrected. Office to engross the same and forward it to Sheriff of Bombay.

03.12.2024

Commissioner for Taking Accounts