

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO. 223 OF 2022
IN
ARBITRATION AWARD DATED 02ND SEPTEMBER, 2020**

Santosh B. Gupta and Anr.Claimants
V/s.	
1. Sagarmal Chunilal (since deceased)	
2. Gopal Sagarmal VermaRespondents
And	
Santosh Sujamal KumawatThird Party

Mr. Ramesh Mandal i/b. M/s. Ajay Law Associates, Advocate for Claimants
 Mr. Akshay Patil a/w. Mr. Ramesh Monlal i/b. M/s. Ajay Law Associates,
 Advocate for Claimants
 Mr. Bhagwandas Gupta, present in person
 Mr. Ashish Kanojia, Advocate for Third Party claimant
 Mrs. Santosh Surajmal Kumawat, for Third Party present personally

Before : Mrs. Chandan J. Bhatt
 I/c. Commissioner for Taking Accounts
 Date : 19th June, 2024

CALLED FOR DIRECTIONS

1. Today this matter is called for directions. In this matter award was passed by Sole Arbitrator on 02nd September, 2020 in Execution Application No. 223 of 2022. Warrant for Sale of immovable property under Order XXI Rule 66 of the Code of Civil Procedure Rules, 1908, issued in respect of immovable property namely right title and interest of Respondent No. 1 (Judgment Debtor) in the possession of Respondent No. 2 at Flat No. 1, on 1st Floor of Dharnidhar Vastu Vaibhav, Plot No. 138, TPS – III, Mahim Division, Senapati Bapat Marg, Matunga - (West) Mumbai - 400 016. Warrant of Sale was issued on 04th March, 2024.

2. Notice to Claimant in this matter namely Notice under Rule 581 of Bombay High Court (Original Side) Rules 1980, to all concerned persons having claim over aforesaid attached property was issued on 29th April, 2024 where by Notice was given to all persons having any rights in or charges claims on the abovenamed

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property (other than claims involving and objection to the attachment or seeking removal of the same) that they should on or before 18th day of June, 2024, lodged before this office, an affidavit verified an oath or Solemn affirmation of such rights, interests, claims or charges.

3. Accordingly, Advocate for Claimant / Decree Holder has tendered before me two Affidavit of Service upon Judgment Debtor by way of Pasting and Publication. Perusal of Affidavit of Service of Vijay Kamble, Clerk of the Advocate for Claimant / Decree Holder, service upon Judgment Debtors made twice once it has been returned with remark, "no such person at address", and on the other occasion with remark "unclaimed". The said Affidavit of Service also having annexed thereto said letter along with tracking report where it says item delivered upon perusal of Affidavit of Service of Notice to claimant, it shows that Notice was published in news-paper Free Press Journal and Navbharat on 18th May, 2024. Both the said Affidavits of Service are taken on file.

4. In pursuance of the said Notice today is the last day for filing claims / objections before the office of the Commissioner for Taking Accounts. Mr. Ashish Kanojia Ld. Advocate for Third Party namely, Mrs. Santosh Sujamal Kumawat submits that, he has already file Affidavit of objection of third party in this matter on behalf of Mrs. Santosh Surajmal Kumavat on 18th June, 2024 means today before this office through her constituted Attorney. It has been informed that, apart from the above claim of Mrs. Santosh Surajmal Kumavat no other claim is received in this matter. Registry is directed to issue letter to the society namely Dharanidhar Vastu Vaibhav calling for the usual information returnable on 12th July, 2024.

5. Mr. Akshay Patil Advocate appears for society namely Dharnidhar Vastu Vaibhav submits that, they have file objection in this matter, however, Registry has informed that, societies objection received not in this matter but another connected matter. Ld. Advocate for the Society further submits that, property involve in all the connected matter is same property.

6. Matter is adjourned to 12th July, 2024

19.06.2024

I/c. Commissioner for Taking Account