

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO. 1332 OF 2014
IN
ARB.CASE.NO.ARB/ACB/17 OF 2011

Abhyudaya Co-op.Bank Ltd. Disputant/
Applicant.
V/s.
M/s.Daya Builders and Ors. Opponents.

Mr.Nilesh Singh, Advocate for Disputant.
Mr.K.C. Panday, Advocate for Opponents.

Coram : K.K. Trivedi
Commissioner for Taking Accounts
Date : 26th April, 2017.

CALLED FOR DIRECTIONS :

The Warrant of Sale of immovable properties have been lodged on record of this Office on 22th December, 2016. The properties which are to be sold are as under:

(A) Entire Building called "Daya Sarita" "C Wing, consisting of basement, Ground Floor plus 2 stories Building constructed or to be constructed on plot of land bearing Survey No.262, Hissa No.1, 2 and 3 and CTS No.658/A, of Village Malad (East), Gokuldham, Goregaon (East), Mumbai-400 063 admeasuring area about 14,852.00 sq.ft.

(B) Flat No.101, in 'A' Wing of "Daya Sarita", Opp. RBI Officer's Quarters, Gokuldham (East), Mumbai-400 063.

...2/-

(C) All that piece or parcel of land or ground situated lying an being at Village Malad (E), Taluka Borivali together with structure standing thereon in Greater Bombay, the Registration Sub-District and District of Bombay City Sub-Urban bearing Survey No.261 part of Village Malad, bearing C.T.S. No.620/A/1-A/4E including proposed building to be constructed thereon named "Daya Durlabh" with basement, ground floor and 37 floors with 107 flats alongwith 4 floors of podium, parking space, garden and all other amenities and facilities admeasuring area of the Plot about 6031 sq. mtrs.

Thereafter, Advocate for Disputant has taken steps to publish notice in the newspapers thereafter called upon the interested parties and/or objectors to lodge claims/objections on record of this Office. Affidavit for the same has been filed. As per the public notice, objections, if any, were to be filed on record of this Registry on or before 4th March, 2017. Advocate for Disputant has thereafter filed Affidavit dated 22nd March, 2017 which states that they have served Opponents and they have informed them about the publication. After publication, no claims are received by this Office, affidavit dated 22nd March, 2017 that, they have taken search as to whether any claim being filed and further stated that no claims are filed on record.

Today, further Affidavit has been filed by Advocate for Disputant. This is with regards to the service upon Opponents informing them about matter being taken up today, the said affidavit is taken on record.

Advocate for Opponents states that there is Order passed by Hon'ble Supreme Court of India on 23rd March, 2017 which records that all the

properties which are described in the Warrant of Sale should not be sold at once. However, to satisfy the claim of the Claimant, one of the property to be sold and that property has been described as under:

Entire Building called "Daya Sarita" "C Wing, consisting of basement, Ground Floor plus 2 stories Building constructed or to be constructed on plot of land bearing Survey No.262, Hissa No.1, 2 and 3 and CTS No.658/A, of Village Malad (East), Gokuldhama, Goregaon (East), Mumbai-400 063 admeasuring area about 14,852.00 sq.ft.

Therefore, Advocate for Disputant agree that this Office can proceed and issue Proclamation of Sale in respect of that property.

Advocate for Opponent who is present states that they have not received any copies of the Affidavits which are filed by Advocate for disputant.

Advocate for Disputant is therefore, called upon to furnish copy of all correspondences which they have tendered on record of this Registry to Advocate for Opponents. Advocate for Disputant who is present undertakes to do so within a week from today.

It is appropriate that the Order copy to be placed on record of this Office as regards the property which is required to be sold. Advocate for Opponent is directed to lodge certified copy on record.

Hence, matter is adjourned to 05th May, 2017.

Advocate for Opponent is directed to file his Vakalatnama on record which will enable this Office to show his appearance on the cause list.

26-04-2017

Commissioner for Taking Accounts