

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL EXECUTION APPLICATION NO. 1550 OF 2018
REFERENCE NO. ARB/COS/19/2015**

The Cosmos Co-operative Bank Ltd. Decree Holder
V/s.
Ship Yard Co. & Ors. Judgment Debtors

None present

Before : Mrs. Chandan J. Bhatt
I/c. Commissioner for Taking Accounts
Date : 24th April, 2024

CALLED FOR DIRECTIONS :

1. Today this matter is called for directions.
2. In this matter, Registry has informed that Notice to Judgment Debtor was issued on 21st October, 2023 and Affidavit of Service of Notice upon Judgment Debtor filed on 10th April, 2024. Registry is in receipt of two letters of third party one from Rohini Prakash Bhagat and another from Tarla S. Mehta. As regards, letter dated 26th March, 2024 received from Rohini Prakash Bhagat by the said letter she is requesting this office to issue order to release the attachment if any of the property namely Flat No. B-33, Roop Darshan, Juhu Lane, Andheri (W), Mumbai – 400 058 as she is owner of the said flat. She has also enclosed to the said letter copy of agreement for sale executed on 20th May, 2002 between Lalitkumar Jivanlal Udeshi and Prakash Gopalji Bhagat (i.e. late husband of said Rohini Bhagat) in respect of same property which is under attachment. She has also annexed sales certificates and maintenance bills in respect of the said property.
3. Registry has informed that, the said property is under attachment and in respect of the said property Notice was issued to all concerned under Rule 581 Bombay High Court (Original Side) Rules, on 14th January, 2019, even the Affidavit

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of Publication and Pasting to that effect filed on 22nd February, 2019 the said property was attached on 23rd July, 2018 when the objection was called for on the specified date and time. No objections are received by this office.

4. Today, none present for the parties, therefore, it is not known about the status of the property. Therefore, in the above scenario registry is directed to issue Notice to the Society namely Roop Darshan, calling for the necessary information regarding ownership of the immovable property in question along with necessary documents.

5. As regards, another letter received from Tarla S. Mehta in respect of another property under attachment namely office at M, 10-C, Giriraj, S. T. Road, Carnac Bunder, Mumbai – 400 009. By the said letter Tarla S. Mehta has informed that she is the co-owner of the said office. She has annexed to the said letter rent receipt and Agreement of Lease dated 13th December, 1978 executed between Shri Prabhudas Balubhai Mehta, Shri Maganlal Balubhai Mehta, Shri Harilal Balubhai Mehta, Shri Amritlal Balubhai Mehta and Shri Dhirajlal Balubhai Mehta and M/s. Sainath Steel Sales. She has also annexed to the said letter, Leave and Licence Agreement between Parikh Arati Devang, Parikh Dhruv Devang and Tarla Mehta executed on 05 March, 2018. By the said letter, she had also requested to issue order to release the attachment if any on the said property. It appears that, like the earlier letter of Rohini Prakash Bhagat even this letter of Tarla Shantilal Mehta received after the expiry of last date of filing of claim i.e. on 14th March, 2019.

6. Registry is therefore, directed to issue Notice to Prabhudas Balubhai Mehta and others, landlord of the said premises and also to the office of the Collector, Bombay calling for information in respect of ownership or tenancy of office under attachment namely M, 10-C, Giriraj, S.T. Road, Carnac Bunder, Mumbai – 400 009.

7. Stand Over to 05th July, 2024.

24.04.2024

I/c. Commissioner for Taking Accounts