

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO. 2225 OF 2016
ARB. REF. NO. COS/28 OF 2015**

The Cosmos Co-op. Bank Ltd. Decree Holder
V/s.
R K D Telecom Pvt. Ltd. & Ors. Judgment Debtor
&
State Bank of India Third Party Claimant

Mr. Jayant Gaikwad, Advocate for Claimant.

Before : Mrs. Shonali K. Dighe
Commissioner for Taking Accounts
Date : 20th March, 2024

CALLED FOR SETTling PROCLAMATION OF SALE :

1. Ld. Advocate appearing on behalf of Disputant / Claimant submits that, the Warrant of Sale is lodged against property of Opponent Nos. 1 to 3.
2. Ld. Advocate further submits that, with regard to property mentioned at sr.no. 2 i.e. Unit No. 4, Gujarat Industrial Estate, Vishweshwar Nagar, Off. Aarey Goregaon (East), Mumbai – 400 063 State Bank of India, Third Party Claimant has already filed Interim Application which is pending before Hon'ble Court.
3. It appears that by an order dated 07th February, 2024 passed by Taxing Master and I/c. Execution Department, Chamber Order (L) No. 27 of 2024 for extension of returnable date of Warrant of Sale was allowed.
4. By an order dated 09th October, 2023 the present matter was directed to be listed for Settling Proclamation of Sale in respect of property i.e. Flat No. 102, 103, Vasant Apartment, J. P. Nagar, Road No. 1, Goregaon (East), Mumbai – 400 063. It was also recorded in the said order that, as Advocate for Disputant / Decree Holder at present does not wish to proceed further with the flat situated in RKD Telecom Pvt. Ltd. and Equal Star Industrial Estate situated at Unit No. 4 and 5, property situated at Flat No. 102, 103 belonging to Opponent No. 3 viz. Nikita Ramesh Dedhia can be proceeded by issuing Proclamation of Sale. For the reasons and observations recorded in order dated 09th October, 2023 and 09th November, 2023 Proclamation of Sale is settled against property belonging to Nikita Ramesh Dedhia,

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Opponent No. 3 herein. Ld. Advocate for disputant submits that, Opponents have not filed any application opposing issuance of Warrant of Sale nor they have obtained any stay order to the execution proceedings. Ld. Advocate further submits that, inspite of service of notices upon Opponents they have not filed their reply to the Warrant of Sale so also, Opponents were not represented by Advocates and therefore Proclamation to be settled against Opponent Nos. 2 and 3.

5. 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 against property mention at sr. no. 1 of Warrant of Sale viz. Flat No. 102, 103, Vasant Apartment, J. P. Nagar, Road No. 1, Goregaon (East), Mumbai – 400 063. Office to engross the same and forward it to Sheriff of Bombay.

6. Ld. Advocate for Disputant further submits that, in view of pendency of Interim Application filed by State Bank of India, Third Party Claimant matter may be adjourned and longer date may be given.

7. At the request of Ld. Advocate for Disputant, as far as properties mentioned at sr. no. 2 & 3 are concerned matter is adjourned to 15th July, 2024. Parties are at liberty to mention the matter as and when Interim Application filed by State Bank of India gets disposed off.

20.03.2024

Commissioner for Taking Accounts