

**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
And
State Bank of India Third Party Claimant

Mr. Jayant Gaikwad, Advocate for Decree Holder
None for Judgment Debtor
None for Third Party Claimants

Before : Mrs. Shonali K. Dighe
Commissioner for Taking Accounts
Date : 23rd February, 2023

CALLED FOR DIRECTIONS :

1. On last occasion i.e. on 21st October 2022, Advocate for Third Party Claimant (SBI, Churchgate Branch) had submitted that in the present matter he has filed his Affidavit of Claim. It was further submitted that they have taken out Execution proceedings before the Hon'ble Court in respect of their objections to the Execution Application and will inform about the same. Today, Advocate for Third Party Claimant is absent.
2. Office is directed to issue Notice to the Societies of all the three properties asking for details of the property mentioned in Warrant of Sale such as - names of owner as per record of Society, area of the property, information about outstanding maintenance, if any, xerox copy of Share Certificates, information about lien, mortgage, claim or any other charge or encumbrances recorded in the records of the Society and about person in occupation as per record of the society and information regarding any legal proceedings are filed in respect of the said property within their knowledge. Notice is made returnable on 17th March, 2023.

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3. Ld. Advocate for Decree Holder to take steps to serve the said Notice upon Society and file Affidavit of Service to that effect on or before next date.
4. Directions were given by the Hon'ble Court in Chamber Summons No. 1094 of 2017 in Execution Application No. 83 of 2012 dated 26th September 2018. As per Para No. 18 of the said Order, Original Side Registry in execution is directed to verify and ascertain from Decree Holder moving execution to check the available online database and registries for registered charges, or ascertain independently that whether the property belongs to the Judgment Debtor and is capable of being put into execution. In view of this direction, Advocate for Decree Holder is directed to file Affidavit giving details of the property in question as mentioned in the said order.
5. Stand over to 17th March, 2023.

23.02.2023

Commissioner for Taking Accounts

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO. 940 OF 2019
ARBITRATION REFERENCE NO. ARB/COS/09 OF 2017**

The Cosmos Co-operative Bank Ltd. Decree Holder
V/s.
Sanjay Namdeo Kshirsagar & 3 Ors. Judgment Debtor

Mr. Jayant Gaikwad, Advocate for Decree Holder

Before : Mrs. Shonali K. Dighe
Commissioner for Taking Accounts
Date : 23rd February, 2023

CALLED FOR DIRECTIONS :

1. Office is directed to issue Notice to the Society asking for details of the property mentioned in Warrant of Sale such as - names of owner as per record of Society, area of the property, information about outstanding maintenance, if any, xerox copy of Share Certificates, information about lien, mortgage, claim or any other charge or encumbrances recorded in the records of the Society and about person in occupation as per record of the society and information regarding any legal proceedings are filed in respect of the said property within their knowledge. Notice is made returnable on 17th March, 2023.

2. Ld. Advocate for Decree Holder to take steps to serve the said Notice upon Society and file Affidavit of Service to that effect on or before next date.

3. Directions were given by the Hon'ble Court in Chamber Summons No. 1094 of 2017 in Execution Application No. 83 of 2012 dated 26th September 2018. As per Para No. 18 of the said Order, Original Side Registry in execution is directed to verify and ascertain from Decree Holder moving execution to check the available online database and registries for registered charges, or ascertain