

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO. 402 OF 2017
IN THE MATTER OF REFERENCE NO. ARB/COS/29 OF 2015**

The Cosmos Co-op. Bank Ltd. Decree Holder
V/s.
Jay Industries & Ors. Judgment Debtor

Mr. Jayant Gaikwad, Advocate for the Decree Holder

Before : 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 No. 1 to 3.
2. Ld. Advocate further submits that, with regard to property mention at sr.no. 2 i.e. Unit No. 3, Equal Star I & F.P. Ltd., Gujarat Ind. Estate, Near Udipi Hotel, Vishweshwar Nagar, Goregaon (E), Mumbai – 400 063, State Bank of India, 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 03rd 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. Ld. Advocate for Disputant / Decree Holder submits that, at present he do not wish to proceed further with the property situated in Equal Star I & F.P. Ltd., Gujarat Ind. Estate, Near Udipi Hotel, Vishweshwar Nagar, Goregaon (E), Mumbai – 400 063. He further submits that, property situated at Flat No. 102, 103, Vasant Apartment, J. P. Nagar, Road No. 1, Goregaon (East), Mumbai – 400 063, belonging to Opponent No. 1 can be proceeded by issuing Proclamation of Sale.
5. 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.

6. Today, the matter is placed for settling Proclamation of Sale. In view of above, Proclamation of Sale is settled against property belonging to Nikita Dedhia, sole proprietor of Opponent No. 1, Jay Industries herein. Draft of Proclamation of Sale discussed with Advocate for Decree Holder and the same is settled as corrected. Office to engross the same and forward it to Sheriff of Bombay.

7. Ld. Advocate for disputant further submits that, as far as property mentioned at sr. no. 2 is concerned matter State Bank of India has filed Interim Application before Hon'ble Court. He further submits that, in view of pendency of Interim Application filed by State Bank of India, matter may be adjourned to 15th July, 2024 and longer date may be given.

8. At the request of Ld. Advocate for Disputant matter is adjourned to 15th July, 2024. Parties 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