

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1023 OF 2015
IN
EXECUTION APPLICATION NO. 579 OF 2014

Rahul Kishore Samat	...Applicant
<u>In the matter between</u>	
The Shamrao Vithal Co-operative Bank Ltd.	...Claimant
V/s.	
Yuva Textile Industries Ltd and Ors.	...Respondents

Ms. Aneesa Cheema i/b Mr. Manish Gitay for the Applicant.
Mr. Nikhil Rajani with Mr. Dhruvani Gaikwad i/b V. Deshpande & Co.
for Judgment Creditor.
Mr. Siddhartha Kaikini, Bank officer present.

CORAM : ABHAY AHUJA, J.
DATE : 15th OCTOBER, 2024

PC. :

1. When the matter is called out, Mr. Rajani, learned Counsel appears for the Judgment Creditor-Bank and submits that he has not received copy of the Chamber Summons and the copy be supplied to him.

2. Ms. Cheema, learned Counsel appears for the Applicant and submits that the Applicant has one third share in the property that the Judgment Creditor is about to sell the subject property by an auction, notice for the valuation whereof has already been received from the office of the Sheriff.

3. Ms. Cheema submits that she apprehends that once the property in question is sold, the Applicant would not receive his one third share.

4. Mr. Rajani fairly submits that the Judgment Creditor is not in the process of auctioning the property as yet and no prejudice would be caused if the copy of the Chamber Summons is supplied to the Judgment Creditor and an opportunity be granted to take instructions and file response, if necessary.

5. Let copy of the Chamber Summons be furnished to the learned Advocate for the Judgment Creditor-Bank within a period of one week. Let the response, if any, be filed within a period of two weeks thereafter, with copy to the other side. Rejoinder in a week thereafter, with copy to the other side.

6. Accordingly, list on **18th December, 2024**.

7. In the meanwhile, the Judgment Creditor as well as the Sheriff's office to hold their hands in the auctioning the said property.

(ABHAY AHUJA, J.)