

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO. 176 OF 2022
IN
ARBITRATION REFERENCE NO. ARB/COS/67 OF 2014**

The Cosmos Co-operative Bank Disputant
-v/s-
Anil Kishor Gavkar & Ors. Opponents

Mr. Jayant Gaikwad a/w. Ms. Pushpa Prajapati, Advocate for Disputants.
Ms. Zahra Shaikh, Advocate for Opponents (V. P. not filed).

Before : Mrs. Shonali K. Dighe
Commissioner for Taking Accounts
Date : 23rd September, 2024

CALLED FOR DIRECTIONS :

- Sr.no.8 1. Heard Ld. Advocate appearing on-behalf of Advocate for Disputant as well as Advocate for Opponents.
2. Today matter is listed on board for directions. In the present matter, Warrant of Sale dated 30th April, 2024 has been lodged in this office dated 24th May, 2024 for issuance of Proclamation of Sale in respect of properties mentioned therein. After lodgment of Warrant of Sale, this office has issued Notice to the Claimant as well as to the Judgment Debtors. Ld. Advocate for Decree Holder has filed Affidavit of Service of both the said Notices.

3. Ld. Advocate appearing on behalf of Opponents submits that she has not received any document or papers from Advocate for Disputant. She further states that, she will apply for the documents in the registry and will take steps accordingly.

4. In the present Warrant of Sale, Disputant had attached two properties viz., 1) 100% shares in Right, title and interest of the Ownership Residential Premises of the Opponent No. 1 lying and being situate at 108/10, Siddhi Nagar, Old Prabhadevi Dadar (West), Mumbai 400 025, 2) 100% shares in Right, title and interest of the ownership Residential Premises of the Opponent No. 2 lying and being situated at Flat No. 507, 5th Floor, Om Chintamani (Prabhadevi) Co-operative Housing Ltd., Khed Galli, Prabhadevi, Dadar (West), Mumbai 400 025.

5. Office is directed to issue Notices to the societies addresses of which are mentioned herein above, 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 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 22nd October, 2024.

6. Ld. Advocate for Disputant to take steps to serve the said Notices upon all the two Societies and file Affidavit of Service to that effect on or before next date.

7. Pursuant to directions 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 the said direction, Advocate for Decree Holder is directed to file Affidavit giving details of the property in question as mentioned in the said order.

8. In view of above, matter is adjourned to 22nd October, 2024.

23.09.2024

Commissioner for Taking Accounts