

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

CHAMBER SUMMONS NO.70 OF 2015
IN
EXECUTION APPLICATION NO.742 OF 2011
IN
ARBITRATION CASE NO. ARB/SVC/36 OF 2009

Smt. Sarita Sohanlal Solanki	...	Applicant
In the matter between		
The Shamrao Vithal Co-Op Bank Ltd.	...	Orig. Applicant Secured creditor.
Vs.		
Shri Sohanlal Laduramji Solanki	...	Org. Opponent Judg. Debtor

Mr. R V Vengurlekar, Adv. for Claimant.
Mrs. Arya Ambre, Adv. i/b. Raju Gupta, Adv. for applicant.

CORAM : MRS. ROSHAN DALVI, J.
DATE : 20th February, 2015.

P.C. :

1. The applicant is the wife of the award debtor / opponent. The award creditor / award holder has obtained an award against the award debtor's attached residential flat. The applicant has taken out the application for raising the attachment on the ground that she is the joint owner of the flat along with her husband. The applicant has not shown her financial contribution towards the purchase of the flat. She has not produced her income tax returns despite the award holder / claimant bank calling for those particulars. The award amount is about Rs.25 lacs as of today. Hence the award holder shall be entitled to execute the award in the admitted 50% share of the award debtor / opponent. Consequently the attachment levied on the

residential premises of the award debtor is raised to the extent of 50% of the attached flat and is confirmed to the extent of other 50% of the attached flat.

2. The execution shall proceed accordingly.
3. The Chamber Summons is disposed of accordingly.

(ROSHAN DALVI, J.)