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

**NOTICE NO. 143 OF 2012
IN
EXECUTION APPLICATION NO. 11 OF 2012
IN
ARBITRATION CASE NO. 66 OF 2006**

Kotak Mahindra Bank Ltd.	...Applicant
Vs.	
Vikram Vittal Shetty & Anr.	...Respondents

Ms. Sonali Ghanekar h/f. Mr. O.M. Gujar for Applicant
None for Respondents

**CORAM : MRS. ROSHAN DALVI, J.
DATED : 20TH APRIL, 2015**

P.C. :

1. Notice has been taken out in 2012 in the execution application which has also been taken out in 2012. On 9th May, 2012 itself the notice appeared on board, but was not served and the returnable date was extended by six weeks. Thereafter the notice was neither served nor appeared on board.
2. On 19th January, 2015 when the notice appeared on board it was not shown to be served. That was adjourned to 21st January, 2015 to see the service affected. The service was expected to have been affected in the 3 years when the notice

remained on board.

3. On 21st January, 2015 it was seen that the notice was sought to be served by personal service at the residence of respondent No.1 as also business address. It could not be served. The Bailiff's report was filed on 11th February, 2015 and the Court saw on 11th February, 2015 itself that the notice was returned unserved upon hearing the petitioners Advocate. Hence respondent No.1 was directed to be served by substituted service by affixation at the last known address of respondent No.1. The notice was adjourned to 4th February, 2015. On 4th February, 2015 time to serve the notice was extended till 18th February, 2015 on the application of the petitioner. Thereafter on 25th February 2015 when the notice reached hearing the returnable date was extended until 8th April, 2015.
4. On 8th April, 2015 the notice was yet not served despite the extension of time granted earlier and hence was adjourned to today for dismissal.
5. The notice taken out 3 years back remains unserved. The execution application is accordingly not prosecuted. The notice is dismissed. The execution application is accordingly dismissed.

(ROSHAN DALVI, J.)