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

**CHAMBER SUMMONS NO. 269 OF 2013
IN
EXECUTION APPLICATION NO. 1445 OF 2012
ALONG WITH
CHAMBER SUMMONS NO. 202 OF 2015**

M/S. Shriram Chits (Mah) Limited	...Disputant/Orig. Disputant
Vs.	
Rajesh Shantilal Amlani & Ors.	...Opponents/Orig. Disputants
And	
Chandu Parmanand Amlani	...Applicant

Mr. Rupesh D. Sohoni for Applicant

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

P.C. :

1. The chamber summons has been served upon the disputant / award holder / decree holder as also the Advocate of the disputant in April 2013. Copies of letters showing the service are tendered before the Court. There has been no affidavit in reply filed by the disputant / decree holder. The chamber summons is taken out under the provisions of Order 21 Rule 58 of the CPC for raising the attachment levied upon the property claimed to be of the applicant and respondent No.3. The applicant has produced the original registered deed of conveyance dated 26th February, 1982 showing the attached property being tenement No. 248, No.20, Chembur

Colony, Bombay -400 007 as purchasers. The applicant, therefore, has the 50% share in the attached property.

2. The disputant / decree holder would be entitled to execute the decree only against the property of the opponents / respondents. Hence the 50% share of the applicant who is the brother of the opponent No.3 / respondent No.3 / award debtor No.3 shall have to be protected. Consequently the attachment is raised on the 50% share of the applicant in the aforesaid property. The attachment over 50% share of respondent No.3 / award debtor No.3/opponent No.3 shall continue.
3. Chamber Summons is disposed off accordingly.
4. Execution shall proceed accordingly.
5. The Chamber Summons No.202 of 2015 is adjourned to 25th February, 2015.

(ROSHAN DALVI, J.)