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

**CHAMBER SUMMONS NO. 363 OF 2013
IN
EXECUTION APPLICATION NO. 446 OF 2010
IN
ARBITRATION CASE NO. SK/SF/14 OF 2008**

Sundaram Finance Ltd. ...Plaintiff / Orig. Plaintiffs

In the matter between:

Sundaram Finance Ltd. ...Plaintiffs

Vs.

Nirmal Singh & Anr. ...Defendants

And

The Secretary / Chairman

New Lotus Co-operative Hsng. So.Ltd. ...Respondents

Ms. S.I. Joshi a/w. Ms. Nikita Pawar for the Applicants

**CORAM : MRS. ROSHAN DALVI, J.
DATED : 4TH FEBRUARY, 2015**

P.C. :

1. The plaintiff / applicant / claimant / award holder has attached a residential flat of the defendant No.1 / award debtor No.1. The flat is required to be sold. Proclamation of sale is required to be issued. Procedure under Order 21 Rule 66 is sought to be complied for the said proclamation. Notice has been issued upon the Secretary of the Society where the flat of the award debtor No.1 is situate to obtain details in respect of the suit flat.

The details have been provided by the Secretary of the society in affidavit dated 13th August 2013 filed by him.

2. Consequent upon that affidavit he has been directed to produce the last maintenance bill to substantiate his statement. That bill has not been produced despite the order of this Court having been served upon the Secretary of the Society. My attention has been drawn to Order 21 Rule 66(4) of the CPC under which the Court can ascertain matters required to be specified in the proclamation by issue of any summons upon any person in that behalf to produce any document or to examine that person. Since the affidavit has been filed the statements made therein are accepted. The society shall be bound by the statements made by the secretary in the said affidavit.
3. In view thereof fresh summons is not served upon the secretary of the society.
4. A Commissioner for taking accounts shall proceed upon the particulars furnished in the affidavit of the secretary of the society dated 13th August 2013 for the purpose of drafting the proclamation of sale and shall proceed with the auction sale in accordance with law.
5. The chamber summons is disposed off accordingly.

(ROSHAN DALVI, J.)