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

**CHAMBER SUMMONS NO. 462 OF 2013
IN
EXECUTION APPLICATION (L) NO. 338 OF 2013
IN
ARBITRATION PETITION NO. 635 OF 2012**

L & T Finance Limited ...Original Plaintiff/Award Creditor
Vs.
Rajendra Kumar Mohanty & Anr. ...Original Defendants/Award
Debtors

Ms. S.I. Joshi a/w. Ms. Nikita Pawar, Advocates for the Plaintiff
Mr. G.C. Mohanty Defendant present

**CORAM : MRS. ROSHAN DALVI, J.
DATED : 5TH MAY, 2015**

P.C. :

1. The award debtor No.1/defendant No.1 has disclosed his ancestral property. The property shows the share of his deceased father therein. His deceased father Hadibandhu Mohanty is shown as one of the tenants/owners. Upon his death the award debtor No.1 /defendant No.1 would be entitled to his share.
2. Consequently the share of Hadibandhu Mohanty which would devolve upon award debtor No.1/defendant No.1 is liable to be attached and sold.

3. Issue precept in respect of the aforesaid property.
4. Award debtor No.2 / defendant No.2 is the sister-in-law of award debtor No.1/defendant No.1. She has filed affidavit in the form of an undertaking disclosing only one savings bank account No. 32406896633 in State Bank of India, Kendupatana Branch, Salipur, District of Cuttack, Odissa State – 754207.
5. State Bank of India, Kendupatana Branch, Salipur, District of Cuttack, Odissa State – 754207 shall not allow award debtor No.2/defendant No.2 to operate the said account and shall handover the proceeds thereof to the award creditor / plaintiff instead.
6. Ms. Joshi on behalf of award creditor / plaintiff applies for attachment of the residential premises of the award debtors / defendants. Both the award debtors / defendants are shown to be residing at village Badathakhana, P. O. Khandasahi, P.S., Nischintakoili, District Cuttack, Odisha – 754 207. This forms a part of the ancestral property. The share of award debtor No.1 / defendant No.1 is liable to be and is, therefore, attached.
7. Issue precept in respect of the residential premises of

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award debtor No.1 / defendant No.1 to the extent of the share of defendant No.1 therein.

8. The award creditor shall have liberty to apply afresh in case any other property is disclosed or discovered.
9. The chamber summons is disposed off accordingly.

(ROSHAN DALVI, J.)