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

**NOTICE NO. 1404 OF 2010
IN
EXECUTION APPLICATION NO. 646 OF 2010
CASE NOL CC-III/1628 OF 2000**

The Punjab & Maharashtra Co-op. Bank. Ltd. ...Disputants
Vs.
M/s. Alankar Auto Stores & Anr. ...Opponents

Mr. R.V. Vengurlekar for Plaintiff
Mr. B.K. Bali i/b. M/s. Bali Associates for Opponent No.2A

**CORAM : MRS. ROSHAN DALVI, J.
DATED : 18TH JUNE, 2015**

P.C. :

1. The defendant has opposed the notice taken out under Order 21 Rule 22 of the CPC. The defendant claims that the execution is for an inflated amount and therefore, the execution of the amount cannot be allowed. The order of the Maharashtra State Co-operative Appellate Court, Mumbai dated 3rd November, 2004 is sought to be executed. It is conceded by Advocate for respondent that the said order can be executed. The said order grants the applicant / order holder Rs.35000/- p.m without interest. That would have to be calculated from November, 2014 which is the date of the order until the date of the execution application which is made in 2010 totalling to 67 months which would aggregate

to Rs.23.45 lakhs. Further amount at the rate of Rs.35000/- per month would be payable also from the date of the execution application until the date of the satisfaction of the decree.

2. The applicant has shown an amount of Rs.52.64 lakhs as on the date of the execution application. This amount is incorrect. It would be corrected to read Rs.23.45 lakhs.
3. The applicant has claimed interest at 21% p.a thereon. The interest has not been granted and cannot be calculated. Hence as on the date of the application ie on 13th May, 2010 the arrears of amount payable by the respondent to the applicant is Rs.23.45 lakhs. Further amount would be payable from June 2010 until today for 60 months. Hence that would aggregate to Rs.21 lakhs. Hence the total amount which is payable by the respondent and for which the execution shall proceed as on today is Rs.44.45 lakhs. The amount would increase by Rs.35000/- each month until the satisfaction of the decree by execution or settlement.
4. Notice is granted as above. The execution shall proceed to the extent stated above.

(ROSHAN DALVI, J.)