

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

**NOTICE NO. 936 OF 2016
IN
SUIT NO. 946 OF 1979**

Atithi Estate & Investment Corporation .. Plaintiff
Vs.

1. Salsette Catholic Co-operative
Housing Society Ltd. & Ors. .. Defendants

Mr.Shardul Singh a/w. Mr. Joaquin Fernandez i/b DSK Legal for
applicant/claimant.

Mr.Clive D'souza for defendant no.6.

**CORAM : K.R.SHRIRAM, J.
DATE : 3RD AUGUST, 2016**

P.C.

1 Heard the counsels for the applicant and the respondents. The respondents have filed an affidavit dated 12th July 2016 of one Derryl D. D'Mello in which it is stated that the consent decree cannot be executed because the respondents will have to pay higher rate of Capital Gains Tax.

2 Admittedly, the Execution Application has been filed within twelve years period. The objection as *to why the Execution Application should not be allowed* can be considered at the time of hearing of the Execution Application.

3 In the circumstances, the notice is made absolute.

The execution may proceed and it is open for the respondents to raise their objections in the Execution Application.

(K.R. SHRIRAM, J.)