

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

CHAMBER SUMMONS NO.1263 OF 2003

IN

EXECUTION APPLICATION NO.96 OF 2002

IN

ARBITRATION PETITION NO.19 OF 2000

Dinesh ShahPlaintiff

V/s.

Ravi SharmaDefendant

And

Bhagwant Kaur SuriApplicant

Mr.Vikas K.Singh i/by Lambay & Co. for the applicant.
None for respondents.

**CORAM : K.R.SHRIRAM,J
DATE : 15.6.2016**

P.C.:-

1 This chamber summons has been taken out for setting aside the warrant of sale in respect of the property bearing Gala No.404, situated in Hiren Light Industrial Premises Co-operative Society Ltd., 408, Moghul Lane, Mahim, Bombay-400 016 and to release the property from attachment.

2 The stand of the applicant is that the original applicant (since deceased and legal heirs are on record) has nothing to do with

the dispute between the plaintiff and the defendant. It is also stated that the applicant was not connected with either of them. It is the case of the original applicant that she purchased the suit premises on 9.1.2002 from one Shashi M.Shetty. A copy of the agreement is annexed to the affidavit in support of the chamber summons. Besides the agreement the applicant has also annexed copies of the share certificates issued by the society, the bill for maintenance for the period from 1.2.2003 to 28.2.2003, a copy of a letter dated 10.5.2001 from the society addressed to Shashi Shetty according No objection certificate for sale of the unit.

3 In the affidavit in reply, it is alleged that no consideration has been passed to Shashi Shetty. It is also stated that the document relied upon by the applicant is sham and bogus. Except for this bald allegation there is nothing in the affidavit. There is nothing in the affidavit in reply to indicate that the original applicant was in any way concerned with the dispute between the plaintiff and the defendant. Nobody is present for the plaintiff/respondent today also.

4 The warrant of sale in respect of the said property being property bearing Gala No.404, situated in Hiren Light Industrial Premises Co-operative Society Ltd., 408, Moghul Lane, Mahim, Bombay-400 016, is therefore, set aside and the property is released

from the attachment. Chamber summons disposed in terms of prayer clause-(a). Certified copy expedited.

(K.R.SHRIRAM,J)