

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

**CHAMBER SUMMONS NO. 1560 OF 2016
IN
ARBITRATION PETITION NO. 524 OF 2016**

Tata Capital Financial Services Limited	Applicant/Petitioner
V/s	
Herabhai Karashnabhai Jotiva & Anr.	Respondents

Mr. Nikhil Mehta, i/b M/s KMC Legal Venture, for the Petitioner.
None for the Respondents

***CORAM: S.J. KATHAWALLA, J.
DATED : 18th October, 2016***

P.C.-

1. Perused the Chamber Summons and the Affidavit in Support thereto. Heard the Learned Counsel appearing for the Applicant/Petitioner. None for the Respondents though served. For the reasons set out in the Affidavit in support of the Chamber Summons, the Chamber Summons is allowed in terms of prayer clauses (a) and (b) , which are reproduced hereunder:

“(a) This Hon’ble Court be pleased to pass an order hereby directing the sale of the hypothecated equipment forming subject matter of the Arbitration Petition No. 524 of 2016 in terms of the order dated 21.04.2016 passed by this Hon’ble Court in favor of the Applicants i.e. Original Petitioner herein”

“(b) This Hon’ble Court be pleased to discharge the Court Receiver High Court, Bombay as Receiver in respect of the hypothecated

equipment forming subject matter of the Arbitration Petition No. 524 of 2016.”

2. The Petitioner shall obtain a valuation report from a Government approved Valuer before putting up the equipment for sale by private treaty or by public auction.
3. The costs, charges and expenses of the Court Receiver shall be borne by the Applicant/Petitioner.
4. A copy of this order shall be forthwith forwarded to the Respondents by Speed Post A.D.
5. The Chamber Summons is accordingly disposed off.

(S.J. KATHAWALLA, J.)