

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

WRIT PETITION NO. 2603 OF 2015

The Cosmos Co-operative Bank Ltd. .. Petitioner

v/s.

M.C.G.B. & Ors. .. Respondents

Mr. G.V. Murthy a/w Mohan Rao i/b MSR & Associates for the
petitioner

Mr. Cyrus Bharucha a/w H.C. Pimpale for the respondent

**CORAM : M.S. SANKLECHA &
B.P. COLABAWALLA, J.J.**

DATED : 4th FEBRUARY, 2016.

PC.

1. This petition challenges the warrant of attachment dated 15th June, 2015 (being Exh.M to the petition); order dated 14th January, 2015 (being Exh.H to the petition) passed consequent to the Notice dated 2nd April, 2014 (being Exh.B to the petition).

2. It is a grievance of the petitioner that the impugned order dated 14th January, 2015 has been passed without giving hearing to the petitioner on the Notice dated 2nd April, 2014. Thus, the consequent warrant of attachment dated 15th June, 2015 to the extent it attaches the petitioner's property is also not sustainable.

3. Mr. Bharucha, on instructions does not dispute the fact that no hearing was given to the petitioner before passing the impugned order dated 14th January, 2015. On instructions, he further states that a personal hearing on the Notice dated 2nd April, 2014 would be given to the petitioner before passing a fresh order.

4. In the above view, the warrant of attachment dated 15th June, 2015 being Exh.M, to the extent it relates to the petitioner as also the order dated 14th January, 2015 are set aside, as a fresh order will be passed after granting a personal hearing to the petitioner on the Corporation's Notice dated 2nd April, 2014. It is clarified that the so far as other properties i.e. other than the subject properties are concerned, the warrant of attachment dated 15th June, 2015 would continue.

5. In the above view, the Petition stands disposed of in terms of the above directions.

(B.P. COLABAWALLA, J.)

(M.S. SANKLECHA, J.)