

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
CHAMBER SUMMONS NO.1245 OF 2015  
IN  
APPEAL (L) NO. 424 OF 2015  
IN  
CHAMBER SUMMONS NO.556 OF 2014  
IN  
EXECUTION APPLICATION NO.456 OF 2013**

Citibank N.A. .... Applicant.

In the matter between:

Mahendra B. Sangani .... Appellant.

V/s

Vipul Sangani & Anr. .... Respondents.

And

Citibank N.A. .... Applicant.

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None for the Appellant.

None for the Respondents.

Mr. Nimay Dave along with Mr. Mayur Bhojwani & Prithvish Shetty i/b Manilal Kher Ambalal and Co. for the Applicant/Intervener in Chamber Summons No.1245 of 2015

Mr. S.S. Deshpande, Court Receiver, present.

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**CORAM: V. M. KANADE &  
A.K. MENON, JJ.**

**DATE: 7<sup>th</sup> January, 2016  
(In Chamber at 2.35 P.M.)**

**P.C.:-**

1. Applicant - Citibank claims that Respondents - borrowers had mortgaged the asset with Citibank and it is therefore a secured debt as per the provisions of SARFAESI Act. It is submitted that the Citibank therefore has a prior claim over the said asset.
2. In the present case, appeal has already been disposed of and Court Receiver has been appointed by this Court. Execution Proceedings are pending before the learned Single Judge. Applicant is therefore at liberty to take out an application in accordance with law and seek appropriate orders from the Executing Court, including the orders for vacating the order of appointment of Court Receiver.
3. The learned Single Judge may consider all questions raised by the Applicant as well as by the Respondents and will not be precluded from passing any order in accordance with law, including the order of discharging the Court Receiver though the Court Receiver has been appointed by

this Court.

4. None appears on behalf of the Respondents though they are served. However, in our view, the order passed by us does not cause prejudice to either Applicant or the Respondents. It is therefore not necessary to give further notice.

5. Chamber summons is disposed of in the aforesaid terms.

**(A.K. MENON, J.)**

**(V.M. KANADE, J.)**