

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

**NOTICE OF MOTION NO.2028 OF 2015  
WITH  
EXECUTION APPLICATION NO.974 OF 2014  
IN  
AWARD NO.DEC3 OF 2012**

Pegasus Assets Reconstruction  
Co. Pvt. Ltd.

....Applicant

**IN THE MATTER BETWEEN :**

Mr. Rajkumar Ramratan Bajaj  
V/s.

....Award Holder

Mr. Sushil Chudiwala & Anr.

....Judgment Debtors/  
Org. Respondents

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Mr. Sham V. Walve for the applicant.  
None for the respondents.

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**CORAM : K.R.SHRIRAM,J  
DATE : 4<sup>th</sup> AUGUST, 2016**

**P.C.:-**

1           This notice of motion is taken out by the applicant, who has assigned his rights to Catholic Syrian Bank with respect to debt of the judgment debtor. It is stated that the two flats viz., flat no.A-101-A and A-101-B, The Panchsheel Heights, A & B Co-operative Housing Society Limited, Mahavir Nagar, Kandivali (West), Mumbai 400 067 were mortgaged to Catholic Syrian Bank. However, the judgment creditor has gone ahead and got the said two flats, which are mortgaged to Catholic Syrian Bank and now assigned to the

applicant attached without notice to the applicant.

2           The counsel for the applicant states that they have served the notice of motion upon the judgment creditor's advocate on whose application these flats have been attached. The counsel for the applicant states that the service was affected on 8<sup>th</sup> December, 2015. No reply has been filed and nobody is present today on call. The counsel for the applicant undertakes to file affidavit of service within one week from today.

3           For reasons mentioned in the affidavit in support and having heard the counsel for the applicant, in my view, it is a fit case to grant prayer clause – (a) of the notice of motion. Therefore, the notice of motion is allowed and disposed of in terms of prayer clause – (a), which reads as under :-

*“(a) be please to quash and set aside the warrant of attachment dated 17.09.2014 in respect of the secured asset secured with the applicant viz., A-101-A and A-101-B, The Panchsheel Heights, A & B Co-operative Housing Society Limited, Mahavir Nagar, Kandivali (West), Mumbai 400 067, issued in Execution Application No.974 of 2014 (Award No.DEC3/2012).”*

**(K.R.SHRIRAM,J)**