

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

**CHAMBER SUMMONS NO.56 OF 2016
IN
EXECUTION APPLICATION NO.834 OF 2015
IN
REFERENCE NO.ARB/COS/33/2012**

Mrs.Prabhavati Ratilal Shah & Ors.Applicants

IN THE MATTER BETWEEN :

The Cosmos Co-operative Bank LimitedClaimant

M/s.Nayana Plastics Pvt. Ltd. & Ors.Defendants

Mr.Prathamesh Kamat with Ms.Sapna Rachure i/by T.N.Tripathi & Co. for applicants.

Mr.Satish D.Chitgopekar, Deputy Sheriff of Mumbai and Mr.Kukund H.Gulhane, 3rd Bailiff and clerk in the office of Sheriff of Mumbai are present in Court.

**CORAM : K.R.SHRIRAM,J
DATE : 30.3.2016**

P.C.:-

1 The applicants have approached this court alleging that the warrant of attachment dated 22.6.2015 has been wrongly executed against the applicants' premises.

2 Office of the Sheriff of Mumbai was directed to give a report as to whether the allegations contained in the affidavit in support of the Chamber summons is correct or not and if correct, to give an explanation. The Deputy Sheriff of Mumbai has submitted a

report dated 29.3.2016 in which it is stated that the warrant of attachment was not executed properly and this happened because of mistake on the part of the Bailiff. In short, the Deputy Sheriff confirms that the allegations contained in the affidavit in support cannot be faulted. The report is taken on record.

3 In the circumstances, Chamber summons is allowed in terms of prayer clause-(a). The office to issue fresh warrant of attachment of the concerned property which was not attached due to the error mentioned above. It is clarified that so far as the warrant executed against the other premises is concerned, that remains unaltered.

(K.R.SHRIRAM,J)