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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 51 OF 2017
IN
EXECUTION APPLICATION NO. 104 OF 2013
IN
ARBITRATION PROCEEDINGS NO. 3 OF 2012**

Karsam Tele Trading Pvt Ltd ...Petitioner
Versus
Solitaire Texfab & Traders Pvt Ltd ...Respondents

**CHAMBER SUMMONS NO. 1198 OF 2015
IN
EXECUTION APPLICATION NO. 104 OF 2013
IN
ARBITRATION PROCEEDINGS NO. 3 OF 2012**

Karsam Tele Trading Pvt Ltd ...Petitioner
Versus
Solitaire Texfab & Traders Pvt Ltd ...Respondents
And
Edelweiss Asset Reconstruction ...Applicant

Mr DP Guchiya, *for the Petitioner / Applicant in CHS/51/17.*
Mr Rohit Gupta, *with Nikhil Rajani, i/b V Deshpande & Co, for the*
Respondent & Applicant in CHS/1198/15.

CORAM: G.S. PATEL, J

DATED: 11th April 2017

PC:-

Chamber Summons No. 51 of 2017:

1. The Chamber Summons is dismissed as withdrawn with no order as to costs.

Chamber Summons No. 1198 of 2015:

2. The 2nd Respondent is the assignee from the State Bank of India of a secured loan. The 2nd Respondent has moved under the SARFAESI Act against the secured property. In the meantime, the Petitioner has sought to attach the very property, namely, Office Unit Nos. 604, 605 & 606 on the 6th Floor, Business Classic, Chincholi Bunder Road, Malad (West), Mumbai 400 064. Evidently the claim of the Applicant/ Respondent No. 2 under SARFAESI Act will have the priority and attachment will have to be raised.
3. The Chamber Summons is accordingly made absolute in terms of prayer clause (a), which reads thus:

“(a) That this Hon'ble Court be pleased to raise the attachment levied pursuant to the Warrant of Attachment dated 7th February 2013 in the aforesaid Execution Application No. 3 of 2012 in respect of the ownership right, title and interest of the Judgment Debtor (Org Respondent) in the immovable property being Office Unit No. 604, 605 & 606, on 6th Floor, in Business Classic, Chincholi Bunder Road, Malad (West),

Mumbai 400 064 through the office of Sheriff of Mumbai on such terms as this Hon'ble Court may deem fit and proper;"

4. No order as to costs.

(G. S. PATEL, J.)