

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.560 OF 2017
IN
ARBITRATION PETITION NO.705 OF 2015**

Tata Capital Housing Financial Services Ltd.Applicant/Petitioner

Vs.

Ahmed Yunus Khan and Ors.Respondents

Mr. Nilesh Gala i/b. Law Square for applicant/petitioner.
Ms. Gayatri Rajvanshi, Law Officer of petitioner company present.
Ms. Avasare, 2nd Assistant to Court Receiver present.

CORAM : K.R.SHRIRAM, J.

DATE : 26th JULY, 2017

PC.:

1 By an order dated 21st June, 2016 this Court was pleased to direct the Court Receiver to take forcible possession of the suit premises with the assistance of police. The Court Receiver was also directed to break open the lock of the suit premises in presence of the police if the premises was found locked.

2 The Court Receiver has filed a report stating that they have taken forcible possession.

3 The counsel for petitioner states that respondents are not traceable and they have not appeared before in this Court also. The counsel for petitioner states that therefore, they are unable to even serve the chamber summons.

4 In my view, since the Court has directed forcible possession to be taken and even respondents had not appeared, the relief as sought in prayer clause – (a) can be granted.

5 Therefore, the chamber summons is allowed and accordingly disposed in terms of prayer clause – (a).

6 The Law Officer and authorised signatory of petitioner, who is present in court, through Mr. Gala, counsel for petitioner, undertakes to pay whatever the charges are required to be paid to the Court Receiver within two weeks of receiving a communication from the Court Receiver. Undertaking accepted.

(K.R. SHRIRAM, J.)