

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 487 OF 2014

IN

SHERIFFS REPORT NO.12 OF 2013

IN

EXECUTION APPLICATION NO.545 OF 2010

IN

ARBITRATION PETITION NO.297 OF 2009

Mr Mohinder Singh

...Applicant

In the matter between

L & T Finance Ltd

...Claimant

Versus

Suryavanshi Organi Sation & Anr

...Respondents

WITH

CHAMBER SUMMONS NO. 776 OF 2013

IN

ARBITRATION REFERENCE NO.297 OF 2009

State Bank of India

...Intervener

In the matter between

L & T Finance Ltd

...Claimant

Versus

Suryavanshi Organi Sation & Anr

...Respondents

Mr SD Chitgopikar, Deputy Sheriff.

Mr CJ Doveson, with Ms Poonam Utekar, for the Applicant in CHS No.487 of 2014.

Ms Hina Mody, for the Applicant in CHS No.776 of 2013 (for SBI)

Mr SI Joshi, with Ms Nikita Pawar, i/b SI Joshi & Co, for the Petitioner.

Mr RJ Tripathi, for Respondent No.1.

CORAM: G.S. PATEL, J

DATED: 2nd May 2017

PC:-

1. The Applicant Mr Mohinder Singh in Chamber Summons No.487 of 2014 instructs his advocate not to press the Chamber Summons. He only seeks that the earnest money of Rs.5,00,000/- that he paid be refunded to him. This amount is held by the Deputy Sheriff in a non interest bearing account.

2. The sale in favour of Mr Mohinder Singh stands cancelled. The Deputy Sheriff will refund the amount of Rs.5,00,000/- to Mr Mohinder Singh, the Applicant in Chamber Summons No.487 of 2014 on or before 15th June 2017. The Chamber Summons is disposed of in these terms with no order as to costs.

3. The Plaintiff has deposited an amount of Rs.1,00,000/- with the Deputy Sheriff. There is a bill from M/s Nadkarni & Co. for Rs.1,79,776/- as valuation fees. This bill has been pending for four years already. The Plaintiff will deposit an amount of Rs.80,000/-

with the Deputy Sheriff from which payment of M/s Nadkarni & Company's fees will be made. A copy of the bill is to be given to Ms Joshi for the Petitioner.

4. In view of the cancellation of the sale in favour of Mohinder Singh, the State Bank of India which has filed a separate Chamber Summons No.776 of 2013 does not press its application. That Chamber Summons is dismissed as withdrawn.

(G. S. PATEL, J.)