

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1062 OF 2015
IN
EXECUTION APPLICATION NO. 750 OF 2015
IN
ARBITRATION NO. 541 OF 2012**

AU Financiers (India) Ltd	...Claimant
<i>Versus</i>	
Ankur Pravin Karia & Anr	...Respondents
<i>And</i>	
Virji Maiya Karia	...Applicant

Mr Dipen Furia, *i/b Shah & Furia Associates for the Applicant.*

**CORAM: G.S. PATEL, J
DATED: 28th February 2017**

PC:-

1. The Claimant/Award Holder obtained an Arbitration Award against the two Respondents. The Applicant is the grandfather of the 1st Respondent and the father-in-law of the 2nd Respondent.

2. In this Chamber Summons, the Applicant seeks that an attachment levied on Room No. 143, Shivaji Nagar, Teen Dongri, Goregaon, Mumbai 400 062 be raised and vacated.

3. The Chamber Summons is served. There is no Affidavit in Reply. An Affidavit in Support indicates that one Bashir Ahmed Shaikh was originally the allottee from MHADA of this room. By an agreement of 16th September 1993, the Applicant purchased it from Shaikh. A copy of that agreement is annexed. Shaikh also executed a general Power of Attorney and an Affidavit in favour of the Applicant.

4. On the Applicants' representation on 17th May 1994, MHADA by its letter of 25th August 1994 regularised the Applicant's occupation and possession of this room. Since October 1993 and till date, the Applicant is in use, occupation and possession. He says that MHADA has since conveyed the entire building to the Milan Co-operative Housing Society Ltd of which the Applicant is a member. The Applicant holds five fully paid up shares, distinctive Nos. 311 to 315, shown in Share Certificate No. 163.

5. From the Affidavit it appears that the Applicant's daughter-in-law, the 2nd Respondent and her son, the 1st Respondent, do not stay in this room. Paragraph 8 of this Affidavit in Support, which is completely without traverse, says that the 2nd Respondent's husband, Pravin Karia, the Applicant's son severed all ties with the Applicant and his wife, and left the room along with his family a long time ago.

6. There is no reason to deny the relief. The Chamber Summons is made absolute in terms of prayer clause (a). The attachment

levied on Room No. 143, Shivaji Nagar, Teen Dongri, Goregaon, Mumbai 400 062 is raised. The Sheriff's office will forthwith and acting on an authenticated copy of this order take necessary steps in that regard. No execution to proceed against Room No. 143, Shivaji Nagar, Teen Dongri, Goregaon, Mumbai 400 062.

7. The Chamber Summons is disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)