

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

**CHAMBER SUMMONS NO.956 OF 2017
IN
EXECUTION APPLICATION NO.379 OF 2011
IN
SUIT NO.113 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr.Pravin Samdani, Senior Counsel a/w Mr.Chetan Kapadia and Ms.Swapna Roopavate i/b Mr.Tushar Goradia for Judgment Debtor no.1 and 7

Mr.S.U.Kamdar, Sr.Counsel with Mr.Sanjay Jain, Mr.Bhavin Gada and Ms.Krishna Raja i/b M/s.L.J.Law for the Judgment Creditor

Mr.Joaquim Fernandes for Judgment Debtor no.2 and 6

Mr.Birendra Saraf a/w Mr.Jay S. i/b Mr.Pratik Shah for the Judgment Debtor nos.4 and 5

**CORAM : K. K. TATED, J.
DATE : OCTOBER 10, 2017**

P.C.:

1. Heard.
2. This application is preferred by plaintiff for deleting the names of plaintiff no.6(a), Ramesh Kotumal Pahlajani, 6(b), Sonia Ramesh Pahlajani

and 11(b), Shyam Makharia who are judgment creditors in Execution Application No.379 of 2017.

3. The learned Senior Counsel for the applicant submits that judgment creditor no.11(b) expired.

4. The learned Senior Counsel for the judgment debtor nos.1 and 7 strongly opposed the present Chamber Summons. He submits that the present Chamber Summons is preferred by the Society who is not the judgment creditor in the decree passed in Suit No.113 of 2014.

5. Considering the submissions made by the learned counsel for the Applicant and the averments made in affidavit in support of Chamber Summons, I am satisfied that the Applicant has made out a case for allowing the present Chamber Summons keeping all contentions of the judgment debtor nos.1 and 7 open. Hence, following order is passed:

A) Chamber Summons is allowed in terms of prayer clause (a) which reads thus:

“(a) that this Hon'ble Court be pleased to allow Judgment Creditors Nos.1 to 5(b) and 7 to 11(a) to carry out the amendments in the Execution Application as per the Schedule annexed to the Chamber Summons.”

B) Amendment be carried out forthwith in pending proceedings as well.

C) Re-affirmation is dispensed with.

D) Chamber Summons stands disposed of accordingly.

(K.K.TATED, J.)