

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 410 OF 2017
IN
EXECUTION APPLICATION NO. 1306 OF 2015
IN
KMBL/CC/ARB/LOT/72/88/2014

Kotak Mahindra Bank Limited	...Plaintiffs
<i>Versus</i>	
Jaya Hukesh Chopra	...Defendants
<i>And</i>	
Varun Saxena & Ors	...Applicants

Mr Kaustubh N Marathe, for the Applicants.

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

PC:-

1. This Chamber Summons has been served. Affidavit of Service is taken on record. It seeks to raise a warrant of attachment of Flat No. 1012, B Wing Galiak Otswala Estate, Behind Ashish Theatre RC Marg, Mumbai 400 074. The Affidavit in Support states that the flat was purchased by the Applicant and his wife Parul in a SARFAESI action conducted by the Punjab National Bank to

which the flat had been mortgaged by its original owner, one Hukesh Kumar Chopra, the Respondent's husband.

2. The Chamber Summons will have to be allowed. It may be curious that it was none other than the Respondent's husband who mortgaged the flat to Punjab National Bank, but that does not mean that Kotak Mahindra Bank can move in execution against that flat for recovery of debt or decree from the original owner. The fact that the Applicants Varun and Parul bid for the flat at a SARFAESI auction by PNB can hardly be disputed.

3. The Chamber summons is made absolute in terms of prayer clause (b) with no order as to costs.

(G. S. PATEL, J.)