

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS (L) NO. 1530 OF 2017
IN
EXECUTION APPLICATION NO. 116 OF 2017**

Indus Ind Bank Ltd	...Claimant
<i>Versus</i>	
Ramchandra G Morbale & Anr	...Respondents
<i>And</i>	
Dilip Ganpat Morbale	...Applicant

Mr Padmakar S Garad, *i/b SG Legal & Associates for the Applicant/
Claimant.*
Mr Satish Muley, *for the Respondents.*

CORAM: G.S. PATEL, J
DATED: 22nd December 2017

PC:-

1. Heard.
2. The applicant Dilip Ganpat Morbale claims that the attachment that has been levied of Flat No. 701/F, Mangalmurti CHSL, Opp. Zee News, NM Joshi Marg, Mumbai 400 011 is incorrect. He says that he is neither the borrower nor guarantor. The property is his under a registered purchase agreement. He bought from his own mother. The 1st respondent is his brother and is

shown as a co-borrower at this address. The brother has no right, title or interest in this flat.

3. On behalf of Indus Ind Bank Ltd, time is sought to take instructions. It is not demonstrated to me how the claimant obtained an attachment of this flat and on the basis of which document apart from saying that the 1st respondent is said to reside at that address. The residence, address or KYC documents showing the address of the 1st respondent do not amount to his ownership or as having an interest that can be attached in execution.

4. Stand over to 25th January 2018.

5. In the meantime, the claimant will not proceed with execution in any manner whatsoever.

6. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J)