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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 325 OF 2017
IN
CHAMBER SUMMONS (L) NO. 1188 OF 2014
IN
EXECUTION APPLICATION NO. 902 OF 2013
IN
ARBITRATION MATTER NO. 7 OF 2011**

Vasant Jain	...Applicant
<i>Versus</i>	
Amin Noorali Rangara & Ors	...Respondents
<i>And</i>	
State Bank of India	...Intervener

**WITH
CHAMBER SUMMONS NO. 85 OF 2018
IN
CHAMBER SUMMONS NO. 325 OF 2017
IN
CHAMBER SUMMONS (L) NO. 1188 OF 2014
IN
EXECUTION APPLICATION NO. 902 OF 2013
IN
ARBITRATION MATTER NO. 7 OF 2011
AND
CHAMBER SUMMONS NO. 1145 OF 2017
IN
EXECUTION APPLICATION NO. 902 OF 2013**

IN
ARBITRATION MATTER NO. 7 OF 2011
AND
CHAMBER SUMMONS NO. 766 OF 2017
IN
EXECUTION APPLICATION NO. 902 OF 2013
IN
ARBITRATION MATTER NO. 7 OF 2011
AND
CHAMBER SUMMONS (L) NO. 1188 OF 2014
IN
EXECUTION APPLICATION (L) NO. 477 OF 2013
IN
ARBITRATION MATTER NO. 7 OF 2011

Mr RJ Singh, *with Manoj Kumar, for the Applicant-SBI in CHS/85/17 & CHS/325/17.*

Mr S Samantaray, *i/b Vaishali Padale, for the Applicant in CHS/1145/17.*

None *for the Applicant in CHS/766/17.*

Mr Rajesh M Lakara, *for the Applicant in CHS/1145/17.*

Ms Priyanka Kothari, *i/b Pallavi Kulkarni, for Respondent No. 1*

Ms Kajal Barve, *JTA and Santosh Kadam, Jr Assistant, representatives of Official Liquidator, are present.*

CORAM: G.S. PATEL, J
DATED: 5th February 2018

PC:-

CHAMBER SUMMONS NO. 325 OF 2017

1. This Chamber Summons is filed by the State Bank of India which is not a party to the proceedings. It seeks, first, impleadment as an intervener ostensibly under Section 47 and Order XXI Rule 58 of the Code of Civil Procedure 1908. The application for “intervention” is misconceived, and neither necessary nor proper. The second prayer is that the Execution Application should be dismissed in regard to the secured asset, and the third prayer is to release the secured asset from the Receivership to allow the Applicant/ Intervener to proceed for possession and sale.

2. Prayer (a) cannot be granted. A Receiver has been appointed in execution of Flat Nos. 13-14 on the 9th and 10th floor of Jivesh Terraces, BJ Road, Bandra (West), Mumbai 400 050. It is stated that this property is the subject matter of an equitable mortgage evidenced by a Memorandum of Deposit of title deeds in favour of the Applicant, State Bank of India.

3. The application will have to be amended and the prayer re-cast. I will allow the Applicant, State Bank of India, liberty to amend. This is to be done without need of re-verification on or before 12th February 2016.

4. Until that date, the property is not to be put to sale and execution or attachment in respect thereof will not proceed further.

5. List the amended Chamber Summons on 12th February 2018.

CHAMBER SUMMONS NO. 1145 OF 2017

6. This is a Chamber Summons by the Decree Holder to add the Official Liquidator to the cause title as the Liquidator of Rangara Industries Ltd.

7. The Chamber Summons is made absolute in terms of prayer clause (a). Amendment to be carried out by the end of this week without need of reverification. No costs.

CHAMBER SUMMONS NO. 766 OF 2017

8. This Chamber Summons is filed by Kokan Mercantile Coop Bank Ltd. None appears for the Applicant.

9. The Chamber Summons is dismissed. No costs.

CHAMBER SUMONS NO. 85 OF 2018

10. This Chamber Summons is filed by the State Bank of India which seeks to bring the Official Liquidator on record. That order has already been passed at the instance of the Decree Holder in Chamber Summons No. 1145 of 2017.

11. The Chamber Summons by the State Bank of India is, therefore, unnecessary and is disposed of as infructuous.

CHAMBER SUMMONS (L) NO. 1188 OF 2014

12. This Chamber Summons is still on lodging number since 2014. That in itself is sufficient reason to dismiss it since objections have not been removed for last four years.

13. The Chamber Summons is dismissed. No costs.

(G. S. PATEL, J)