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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.750 OF 2016
IN
EXECUTION APPLICATION NO.838 OF 2012**

Kotak Mahindra Bank Ltd	...Applicant
<i>Versus</i>	
Jagdish B Khurana & Ors	...Respondents

Ms Juhi Bhogle, i/b OM Gujar Law Chambers, for the Applicant.

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

PC:-

1. The Chamber Summons seeks to set aside an order of 3rd December 2015 passed by the Additional Prothonotary and Senior Master, Mr ST Kapse, in Chamber Summons Order (L) No.797 of 2015 in the Claimant's own Execution Application No.838 of 2012. The Chamber Summons also seeks that the returnable date of the warrant of attachment be now extended by four years from 8th August 2013 to 8th August 2017.

2. I will do nothing of the kind. The Additional Prothonotary and Senior Master's order is well-reasoned, succinct and completely correct. He has noted that this Court itself has tasked the Registry

with being vigilant in dealing with application for time-extensions. He asked why the Decree Holder did not earlier seek an extension of the returnable date. The only reason given was that the Decree Holder had various matters in the High Court and in the DRT. The attachment was first levied on 18th January 2012. The management of the original Decree Holder was taken over thereafter, and an order of substitution was obtained on 11th October 2013. Even then there was an unexplained delay.

3. In other words what this Applicant now seeks is that its attachment should be continued for another four years with retrospective effect and presumably for another year.

4. The impugned order is of 3rd December 2015. Two years and more have passed since. We are in February 2018. The property has not been under attachment in that time. The attachment cannot be levied once again in this fashion. I still do not have a valid explanation even in the Affidavit in Support before me for this delay. In fact, paragraph 12 of the Affidavit in Support states that the Applicant has taken proceedings under the SARFAESI Act. This is not an answer, and it does not justify the thoroughly unsatisfactory explanation that was placed before Mr Kapse.

5. The Chamber Summons is dismissed. This is without prejudice to other proceedings in execution, if any, or actions under the SARFAESI Act.

(G. S. PATEL, J)