

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY AND ORIGINAL CIVIL JURISDICTION**

**NOTICE NO.448 OF 2015**

**IN**

**EXECUTION APPLICATION NO.456 OF 2015**

The Bombay Mercantile Co-op. Bank Limited      ....Applicant/Claimant  
Vs.

M/s. Zia Twisters and Ors.      ....Respondents

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Ms. Kalyani Wagle I/b. T.N. Tripathi and Company for applicant/claimant.  
Mr. Vishesh Kalra I/b. Mr. Ashish Gatagat for respondent no.5.

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**CORAM : K.R.SHRIRAM, J.**

**DATE : 20<sup>th</sup> DECEMBER 2018**

**P.C.:**

1            No steps seem to have been taken against respondent no.4. I am not satisfied with the affidavit of one Firoz Khan affirmed on 20<sup>th</sup> December 2018 because he simply states that he went to the address and waited sufficiently but respondent no.4 was not found at the address.

2            Therefore, notice against respondent no.4 dismissed.

3            So far as respondent no.5 is concerned, Mr. Kalra instructed by Mr. Ashish Gatagat states that Mr. Ashish Gatagat will file Vakalatnama on behalf of respondent no.5 within two weeks from today. Statement accepted.

4            I have to note that on 22<sup>nd</sup> November 2018 one Mr. Deepak S. Tiwari appeared who gave an undertaking to file Vakalatnama on behalf of respondent no.5 but has not filed Vakalatnama. Even today no reply is filed

opposing the notice.

5           Therefore, notice as against respondent no.5 is made absolute and accordingly disposed.

6           Claimant to take steps in execution within four weeks from today, failing which the execution application will stand dismissed without further reference to this Court.

**(K.R. SHRIRAM, J.)**