

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.440 OF 2017
IN
EXECUTION APPLICATION NO.2482 OF 2015

Shabnam Abdul Razzak Shaikh	Applicant
<i>In the matter between</i>	
SE Investments Limited	Claimant
<i>Versus</i>	
Crema India Ltd & Ors	...Respondents

Mrs Madhuri K Joshi, i/b Kalpesh Joshi Asso, for the Applicant.
Ms Vaishali D Padale, for the Claimant.

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

PC:-

1. The Chamber Summons seeks to raise attachment levied on Flat Nos 1307, 1308 and 1309, all on the 13th floor of a building known as 22A, Samarth Aangan, Oshiwara, Off KL Walawalkar Road, Andheri (West), Mumbai 400 053.

2. The Affidavit in Support of the Chamber Summons establishes that the Applicant seeking raising of attachment is a third party and that her predecessor-in-title is one Jainkul Marketing

Pvt Ltd, which bought these flats from the 2nd and 3rd Judgment Debtors by separate agreements in June 2011. This was before the commencement of the Arbitration Proceedings, which were in 2013. T Jainkul Marketing Pvt Ltd having acquired complete title in turn sold these flats to the Applicant on 2nd November 2015, well before the attachment was levied. Clearly the Applicant is *bona fide* purchaser for value without notice.

3. The Chamber Summons is made absolute in terms of prayer clause (a). No order as to costs.

(G. S. PATEL, J)