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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
CHAMBER SUMMONS NO. 458 OF 2018
IN
EXECUTION APPLICATION NO. 165 OF 2018**

Hiralal J Brahma HUF	...Applicant
<i>In the matter between</i>	
VKE Plumbing Private Limited	...Claimant
<i>Versus</i>	
Blue Ridge Hotels Private Limited	...Respondent
<i>And</i>	
Hiralal J Brahma HUF	...Intervenor

Mr Kiran Jain, with Ms Neeta Solanki, i/b Kiran Jain & Company,
for the Applicant.
Ms Naseem Patrawala, i/b Malvi Ranchoddas & Company, for the
Claimant.

CORAM: G.S. PATEL, J
DATED: 3rd May 2018

PC:-

1. The Applicant is the owner of premises at 5A-5B, 5th floor, Rushabh Chambers Premises Cooperative Society Ltd, Makwana Road, Marol, Andheri (East), Mumbai 400 059. The Decree Holder attached this property in execution of an award that it obtained

against Judgment Debtor, Blue Ridge Hotels Private Limited, which has its registered office at these premises. That fact, on its own, does not make it the owner of these premises.

2. The Affidavit in Support of the Chamber Summons makes it clear that it is the Applicant, the Hiralal Jamnadas Brahma HUF, that owns the premises. The society certificates stands in its name. It has been paying maintenance charges for many years. All this is documented.

3. The Decree Holder has done absolutely nothing towards ascertaining title to either the immovable property or any of the movables in those premises. It often happens that an address is allowed to be used as a registered office without the corporate entity in question ever being physically present in those premises, having any employees there or having any ownership rights over the premises or anything in them. It is always for the Decree Holder to move in execution in a reasonable fashion, after making at least a minimal enquiry about title. Otherwise, third party rights are adversely affected. I notice this happening with increasing frequency, and then genuine applications for raising attachment remain pending on the docket of this Court for inordinate lengths of time, when they should not have had to be filed at all.

4. The Chamber Summons is made absolute in terms of prayer clauses (a) and (b). Their will be no order as to costs.

(G. S. PATEL, J)