

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1024 OF 2015
IN
EXECUTION APPLICATION (L) NO. 1448 OF 2015
IN
SUIT NO. 3360 OF 2007
AND
CHAMBER SUMMONS NO. 1025 OF 2015**

Jayashree Ramlal Pitale ...Applicant
Versus
Jaykumar Hemchandra Vagal & Ors ...Defendants

Mr Dushyant Purekar, i/b Christine Wilson, for the Plaintiff.

CORAM: G.S. PATEL, J
DATED: 12th February 2018

PC:-

CHAMBER SUMMONS NO. 1024 OF 2015

1. The Chamber Summons is served. There is an Affidavit of Service on record.

2. The Chamber Summons seeks dispensation with a Notice under Order 21 Rule 22 of the Code of Civil Procedure 1908. Having heard Mr Purekar in support and having seen the Affidavit in Support of the Chamber Summons, I am inclined to grant the relief.

3. The Consent Decree is of 6th February 2008. The construction in question in which the Applicant was offered premises admeasuring 400 sq ft was completed in 2015. Even now the occupation certificate is not received.

4. The Chamber Summons is made absolute in terms of prayer clause (a). No costs.

CHAMBER SUMMONS NO. 1025 OF 2015

5. The Chamber Summons seeks that the sealing of the decree dated 6th February 2008 in Suit No. 3360 of 2007 be dispensed with.

6. For the reasons set out in the Affidavit in Support of the Chamber Summons, the Chamber Summons is made absolute in terms of prayer clause (a). No costs.

(G. S. PATEL, J)