

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1961 OF 2009
IN
EXECUTION APPLICATION NO. 197 OF 2004**

Maharashtra State Financial Corporation	...Applicant
<i>In the matter between</i>	
The National Small Industries Corporation Ltd	...Claimant
<i>Versus</i>	
Kamal Traders & Ors	...Respondents

**WITH
CHAMBER SUMMONS NO. 2038 OF 2009
IN
EXECUTION APPLICATION NO. 197 OF 2004**

The National Small Industries Corporation Ltd	...Claimant
<i>Versus</i>	
Kamal Traders & Ors	...Respondents

**WITH
CHAMBER SUMMONS NO. 256 OF 2011
IN
EXECUTION APPLICATION NO. 197 OF 2004**

**WITH
CHAMBER SUMMONS NO. 1122 OF 2012
IN**

EXECUTION APPLICATION NO. 197 OF 2004
WITH
CHAMBER SUMMONS NO. 1990 OF 2009
IN
EXECUTION APPLICATION NO. 197 OF 2004
WITH
CHAMBER SUMMONS NO. 2028 OF 2011
IN
EXECUTION APPLICATION NO. 197 OF 2004

None, for the Applicant in Chamber Summons No. 1961 of 2009.
Mr RJ Singh, i/b RJ Singh & Company, for Claimant.
Ms Merlyn Monteiro, for Applicant in Chamber Summons No. 2038
of 2009
Mr Yadunath Chaudhari, with Ms P Lalchandani, for Applicant in
Chamber Summons No. 256 of 2011 and Chamber Summons No.
1122 of 2012.

CORAM: G.S. PATEL, J
DATED: 27th June 2018

PC:-

CHAMBER SUMMONS NO. 1961 OF 2009 IN EXECUTION
APPLICATION NO. 197 OF 2004

1. As I have noted in my order of 25th June 2018, I adjourned this Chamber Summons to Court for recording evidence on 9th January 2017. The evidence affidavit and documents were filed later in 2017, but thereafter nothing has happened.
2. Nobody appeared for the Applicant/Maharashtra State Financial Corporation (“MSFC”) on 25th June 2018 and I kept the matter today for dismissal.
3. None for Applicant/MSFC today either.
4. Chamber Summons No. 1961 of 2009 is dismissed.

**CHAMBER SUMMONS NO. 2038 OF 2009 IN
EXECUTION APPLICATION NO. 197 OF 2004**

5. The Chamber Summons is misconceived. The Applicant, Assets Reconstruction Company India Ltd (“ARCIL”), is an assignee of Punjab National Bank which obtained a decree from the Debt Recovery Tribunal in proceedings under the RDBBI Act.
6. The present application is by ARCIL for ‘intervention’ in the Execution Application filed by the National Small Industries Corporation Ltd, the Award/Decree Holder.
7. This is not a relief that can be granted in a civil proceeding in execution. As an ‘intervener’ in execution, ARCIL can do nothing.

8. ARCIL is at liberty to pursue its remedies with all contentions being left open in an appropriate form and in an appropriate forum.

9. The Chamber Summons is disposed of in these terms. No order as to costs.

RE: OTHER CHAMBER SUMMONSES

10. The remaining Chamber Summons No. 256 of 2011 in Execution Application No. 197 of 2004, Chamber Summons No. 1122 of 2012 in Execution Application No. 197 of 2004, Chamber Summons No. 1990 of 2009 in Execution Application No. 197 of 2004 and Chamber Summons No. 2028 of 2011 in Execution Application No. 197 of 2004 will be listed for orders on 23rd July 2018.

(G. S. PATEL, J)