

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.740 OF 2013
IN
EXECUTION APPLICATION NO.444 OF 2013**

Mehul Saboo ..Applicant

In the matter between

The Cosmos Co-op Bank Ltd. ..Claimant
Vs.

M/s Abhishek Enterprises & Ors ..Respondents

Mr. Vijay Chavan for Claimant/Applicant

Mr. Udaya Sankar Samudrala a/w Ms Brenda N Barnes for Respondents

**CORAM : K.R.SHRIRAM, J.
DATE : 7th FEBRUARY, 2019**

P.C.:

1 This chamber summons is for quashing and setting aside the warrant of attachment of movable and immovable property. The chamber summons was served on claimant Bank on 22nd January, 2014, as per the affidavit of service of one Jagdish Upadhyay dated 28th January, 2014. The speed post has also an endorsement of the claimant bank. No affidavit in reply has been filed.

2 I have to note that on 9th November, 2017 as well as on 12th April 2018 also none appeared for the bank.

3 In the circumstances, chamber summons allowed in terms of prayer clause (a) which reads as under:-

(a) That this Hon'ble Court be pleased to quash and set aside the warrant of attachment of immoveable property dated 19th June 2013 and warrant of attachment of movable property dated 19th June 2013 and raise the attachments levied on the immovable and movable properties of the Applicant.

4 Chamber summons accordingly disposed.

5 Mr. Chavan undertakes to file vakalatnama on behalf of claimant bank within two weeks from today. Undertaking accepted.

(K.R. SHRIRAM, J.)