

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 688 OF 2014
IN
EXECUTION APPLICATION NO. 201 OF 2014

Maharashtra Rajya Sahakari Dudh Mahasangh ...Applicant
Maryadit Mumbai

Versus

Growyield Feed Pvt Ltd (Latur) & Ors ...Defendants

Ms Gitanjali Prabhu, *with Ramchandra Yadav, i/b Legal Viz for the Applicant in EXA/201/2014.*

Ms Sonal, *with Filji Frederick & Risha Sharma, i/b FF & Associates, for the Applicants in CHS/688/2014, original Respondents Nos. 1 to 4.*

CORAM: G.S. PATEL, J
DATED: 13th March 2019

PC:-

1. This Chamber Summons is taken out by the Award Debtor. It seeks that the warrant of attachment be set aside. The prayer does not specify that warrant but I understand from Ms Sonal that this is in respect of a flat at Suleman Chambers, Battery Street, Behind Regal Cinema, Colaba, Mumbai 400 039. The flat is in the name of Mahipatrao Ramchandra Fadtare against whom personally there is also an award.

2. The submission is that since the Award Holder has moved against four other cattle feed plants in different parts of Maharashtra, all the assets of four companies controlled by Fadtare, and this is adequate to cover the claim, the attachment should be raised. She further submits that the Award Debtor has a case to be made out both in fraud and for enforcement of an understanding to obtain finance from the Karad Janata Sahakari Bank Ltd.

3. This is no reason to raise any attachment. The Award Holder is entitled to proceed in accordance with law. If the Award Debtor wishes to have the Award aside that can only be done in one of the modes known to law. If there has to be a stay on execution of that Award for whatever reason, it cannot be in this Chamber Summons and there is no reason that I can tell to restrict the execution of the Award.

4. The Chamber Summons is dismissed. There will be no order as to costs.

(G. S. PATEL, J)