

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CHAMBER SUMMONS NO.1060 OF 2012

IN

EXECUTION APPLICATION NO.372 OF 2006

IN

SUMMARY SUIT NO.2996 OF 1999

SICOM Limited)....Applicant/Intervener

IN THE MATTER BETWEEN :

Union of India)....Plaintiff/Claimant

V/s.

U.L.Trading Corporation & Anr.)....Defendants

Mr.S.R.Rajguru a/w Ms.J.Pandhi and A.R.Varma for plaintiff/claimant.
Ms.Sapana Rachure a/w Ms.Kalyani Wagle I/by T.N.Tripathi and Co.
for applicant.

CORAM : K.R.SHRIRAM,J

DATE : 14.2.2019

P.C.:-

1. On 17.1.2019 record and proceeding from Debt Recovery Tribunal was provided to the claimant/plaintiff. Today, counsel for claimant is seeking further time to take instructions. There is nothing on record to show as to why for one month, no instructions were obtained or given by claimant to its Advocate. Therefore, Chamber summons allowed in terms of prayer clause-(a).

2. So far as prayer clause-(b) is concerned, the applicant may lodge a fresh claim once the flat mentioned in prayer clause-(a) is auctioned.

3. Ms.Pandhi for claimant/plaintiff states that an attempt to sell the said flat was made by the Deputy Sheriff but thereafter nothing has been done by the claimant in furtherance thereto. According to Ms.Pandhi it has not done because this present chamber summons was pending. I see no reason why pendency of this Chamber summons should have come in the way of claimant to auction the said flat.

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

“(a) That leave be granted to the Intervener to intervene in the Execution Application No.372 of 2006 limited to the extent of process issued in respect of flat No.3, Mitrakunj Co-operative Housing Society Limited, First Floor, Gopal Rao Deshmukh Marg, Peddar Road, Mumbai-400 026.”

5. Applicant may take out fresh application for reliefs in terms of prayer clause-(b) once the said flat is disposed and the sale proceeds are brought into the account of Prothonotary & Senior Master, High Court, Bombay.

6. Deputy Sheriff is directed to place a report before this Court at 3.00 P.M. on 28.2.2019 as to how he proposes to take further steps for disposal of the said flat.

7. In view of the above, plaintiffs are released from the statements made and recorded on 23.4.2014.

8. All to act on authenticated copy of this order.

Applicants to serve copy of this order upon Deputy Sheriff of Bombay.

(K.R.SHRIRAM,J)