

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
NOTICE NO.223 OF 2017
IN
EXECUTION APPLICATION NO.92 OF 2017**

SBI Cards & Paymnet Services Pvt Ltd.	.. Claimant
Vs.	
Avinash Mali	..Respondent

Ms Juhi Bhogle I/b O M Gujar Law Chamber for Claimant / Applicant
None for Respondent

**CORAM : K.R.SHRIRAM, J.
DATE : 21st FEBRUARY, 2019**

P.C.:

1 The execution application has been lodged on or about 16th September, 2016. The matter was also before the Lokadalat on 9th September, 2017 and 9th December, 2017 and notice was to be sent to respondent. No notice seems to have been sent despite those two orders. Ms Bhogle states that on 16th February, 2019, a notice has been sent and the tracking report says “not delivered / deceased”. Therefore, this notice has been sent after the cause list for this week is prepared and released. Ms Bhogle states that she will try to find out the legal heirs of respondent.

2 I am not inclined to grant any further time, because if decree holder was really serious in recovering any amount, they would have served the notice soon after 9th December, 2017, when they lodged the execution

application. I am not inclined to grant any further time. Notice as well as execution application dismissed for non service and want of prosecution.

(K.R. SHRIRAM, J.)