

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.1056 OF 2012
WITH
CHAMBER SUMMONS NO.1032 OF 2017
IN
EXECUTION APPLICATION (L) NO.143 OF 2012**

L & T Finance Ltd.

....Applicant/Plaintiff

Vs.

Mohammed Yunus Khan & Anr

....Respondents

Ms S. I. Joshi for Applicant

**CORAM : K.R.SHRIRAM, J.
DATE : 10th JANUARY, 2019**

P.C.:

1 Ms Joshi states that respondent no.2 has filed affidavit in reply stating that he is a labourer and has no property in his name and the house in which he is residing is not owned by him and also has produced Grampanchayat House Receipt which is in the name of his wife, in support thereof. Ms Joshi does not wish to pursue this execution application against respondent no.2.

2 So far as respondent no.1 is concerned, Ms Joshi relied on the affidavit of Mr. Sitaram Sawant, affirmed on 2nd February, 2018, for proof of service. Respondent no.1 not present, though served. No affidavit opposing the chamber summons, also is filed.

3 Therefore, chamber summons is allowed as against respondent no.1 in terms of prayer clauses (a), (b), (c) and (d).

4 Chamber summons accordingly disposed.

CHAMBER SUMMONS NO.1032 of 2017

1 Since Original Chamber Summons No.1056 of 2012, is allowed only against respondent no.1, this chamber summons does not survive and is accordingly disposed.

2 Non bailable warrant issued against respondent no.2 stand cancelled.

3 Petitioner shall inform the concerned authorities about the cancellation of the warrant within two weeks from today.

(K.R. SHRIRAM, J.)