

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SHERIFF REPORT NO. 65 OF 2021
WITH
SHERIFF'S REPORT NO. 66 OF 2021
IN
COMMERCIAL EXECUTION APPLICATION NO. 1728 OF 2018

Ram and Company and Ors.	...	Applicants
vs.		
Polyvin Industries and Ors.	...	Respondents
and		
Mrs. Parul Kishore Parekh	...	Obstructionist

WITH
CHAMBER SUMMONS NO. 1120 OF 2019
IN
COMMERCIAL EXECUTION APPLICATION NO. 1728 OF 2018

Ram and Company and Ors.	...	Applicants
vs.		
Polyvin Industries and Ors.	...	Respondents
and		
Ms. Aarti Jitendra Ghiya	...	Obstructionist

Ms. Megharanjani Chandu i/b. Ms. Priyal Sheth for the Claimants/Decree Holder.

Ms. Ankita Upadhyay Tiwari i/b. M/s. K. P. Tiwari & Co. for the Respondents.

Mr. K. K. Naik, representative from the Office of Sheriff of Mumbai.

CORAM : A. K. MENON, J.

DATED : 1st DECEMBER, 2021

P.C. ,

Sheriff Report No. 65 of 2021

1. The Sheriff's office has sought further directions in respect of proposal to sell 50% of the right title and interest of respondent no. 2 in property situated at Flat no. 402, Sarena Building, C-Wing, 4th Floor, Shanti Park, Ghatkopar (East), Mumbai-400 077.

2. An affidavit has been filed in the Chamber Summons No. 1120 of 2019 by Aarti Jitendra Ghiya who claims to be entitled to a share in the property. The affidavit of the obstructionist is taken on file. The property is residential flat in Flat no. 402, Sarena Building, C-Wing, 4th Floor, Shanti Park, Ghatkopar (East), Mumbai-400 077. The shareholders are Jitendra Bhogilal Ghiya and deponent of the affidavit. The agreement for sale under which it was purchased is dated 5th February, 1985 and it appears that the document is presently in the custody of the collector of stamps for non payment of stamp duty.

3. Learned Advocate for the respondents and obstructionists state that the respondents no. 2 and the deponent are not in a position to pay stamp duty. She has however produced the original share certificate in court today. She submits that she has opposed to the proposal of the Sheriff to offer 50% of the right title and interest for sale. In any event the Sheriff proposes to act on the request of the judgment creditor / decree holder to offer the premises for sale and has proposed a schedule for auction sale.

4. The Valuation Report has been produced from the Panel of Valuers and is presented in court today and considering the value of the reserved price is now fixed. I therefore pass the following order :

- (i) Sheriff report no. 65 of 2021 is therefore allowed in terms of prayer clause (a), (b) and (c) incorrectly numbered as (d).
- (ii) Proposed schedule for auction is approved.
- (ii) Valuation report shall be put back in the sealed cover.
- (iii) Sheriff's Report no. 65 of 2021 is disposed.
- (iv) In the meantime vakalatnama of M/s. K.P.Tiwari & Associates shall be filed by 4th December, 2021.
- (v) The share certificate is handed over to the representative of the Sheriff of Mumbai in Court today.

Sheriff's Report No. 66 of 2021.

- 1. In Report No. 66 the Sheriff seeks a direction in respect of sale of Commercial property being Office No. 202, 2nd Floor, Sai heritage Building, Tilak Road, Ghatkopar (E), Mumbai-400 077.
- 2. At the request of Advocate for judgment debtor who seeks to file vakalatnama list on 8th December, 2021 along with Interim Application no. 1814 of 2019.

(A. K. MENON, J.)