

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

EXECUTION APPLICATION NO. 513 OF 2016

The Cosmos Co-operative Bank Ltd. ... Claimant

vs.

Textile World and 2 Ors. ... Respondents

WITH

CHAMBER SUMMONS NO. 1772 OF 2016

IN

EXECUTION APPLICATION NO. 513 OF 2016

Hiralal Chottalal Shah & Anr. ... Applicants

In the matter between

The Cosmos Co-operative Bank Ltd. ... Claimant

vs.

Textile World and 2 Ors. ... Respondents

Mr. Vijay Bhagoji Chavan for the Claimant.

Mr. Shashikant Gaikwad i/b. M/s. SSP Legal for the Applicants.

CORAM : A. K. MENON, J.

DATED : 26th JULY, 2021.

[THROUGH VIDEO CONFERENCE]

P.C. :

1. Mr. Chavan seeks leave to withdraw this Execution Application. But it appears that a Chamber Summons bearing no. 1772 of 2016 is also pending. The Chamber Summons is filed by two applicants. It seeks to set aside of the attachment levied on 13th July, 2016. The Chamber Summons sets out the fact that these properties have been incorrectly attached. Mr. Chavan confirms

that these were incorrectly attached. In view of the above, the attachment will have to be raised. I therefore pass the following order :

- (i) Chamber Summons is made absolute in terms of prayer clause (a), (b) and (c).
- (ii) The claimant bank shall pay costs of Rs.10,000/- to each applicant.
- (iii) Chamber Summons is disposed in the above terms.
- (iv) Execution Application No. 513 of 2016 is allowed to be withdrawn.

(A. K. MENON, J.)