

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

INTERIM APPLICATION NO.3007 OF 2021

IN

COMMERCIAL EXECUTION APPLICATION NO.417 OF 2019

Phoenix Industries Ltd.

.. Applicant/Claimant

v/s.

Hari International & Anr.

.. Respondents/Judg.Debtors

Ms. Meenakshi Dhanuka–Rungta i/b. Dhanuka & Partners for the applicant.

Mr. Saeed Akhtar a/w Rehan Ansari for the respondents.

CORAM : A. K. MENON, J.

DATED : 20TH DECEMBER, 2021.

P.C. :

1. IA seeks a direction to permit rectification of the Warrant of Sale dated 9th March, 2021 issued in Execution Application no.417 of 2019. The learned counsel states that in the warrant for sale, copy of which is at Exhibit 'D' to the IA, the area of the flat no.602 is incorrectly described in sq. meters. The description is not accurate since she is now in possession of a copy of the agreement for sale in respect of the said flat. She relies upon a further

affidavit in support of the IA of one Anand Sangai dated 24th November, 2021. The second schedule to that agreement at page 49 sets out the correct description flat no.602.

2. Accordingly, having heard the learned counsel for the parties, I am of the view that the correction should be allowed. Hence, I pass the following order;

(i) Registry is directed to issue fresh warrant for sale mentioning the correct description of the flat as appearing in the second schedule to the agreement, annexed to the further affidavit in support of IA aforesaid.

(ii) IA is disposed in the above terms.

(iii) In view thereof, order dated 4th October, 2021 is recalled. Affidavit is taken on file.

(A. K. MENON, J.)