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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

COMM. EXECUTION APPLICATION NO.264 OF 2020
WITH
INTERIM APPLICATION NO.1524 OF 2022
IN
COMM SUMMARY SUIT NO.1030 OF 2019
WITH
SHERIFF'S REPORT NO.45 OF 2022

Dimples Infra

...Applicant/
Plaintiff

Versus

Heer Mehta Landmark Developers

...Defendant

Priyanka Kothari with Rashid Khan i/b. Vinali Bhaidkar for the
Decree Holder.

Vachan Bodke with Pinky Sharma, Aniket Tawde and Ankita
Vishwakarma i/b. U.M. Jhaveri for Judgement Debtor / Respondent.

Mr. D.S. Choudhari, Deputy Sheriff is present.

CORAM : R.I. CHAGLA J

DATE : 5TH AUGUST, 2022

ORDER :

1. The Sheriff's Report No.45 of 2022 has been placed
before this Court. The parties have arrived at settlement and the

demand drafts mentioned in prayer clause (a) of the Sheriff's Report have been received by the Office of the Sheriff and being handed over to the Authorized Representative of the Decree Holder Dimples Infra towards satisfaction of the entire decreatal amount in the matter.

2. The Sheriff of Mumbai is directed to refund the amount of Rs.1 lakhs to the Decree Holder after deducting the valuer's visit charges, if any, on receipt of NEFT details of their bank account. In view of the settlement arrived at and the decree upon satisfaction, the Decree Holder is directed to make payment of Rs.8,58,000/- by Demand Draft / Pay order in favour of the "Sheriff of Mumbai" towards 1% Sheriff's poundage as per Rule 474 of High Court, Original Side, Rules read with table of fees payable to Sheriff of Mumbai. Upon such payment, the Sheriff of Mumbai shall raise attachment in respect of the right, title and interest of the judgment debtor / Respondent of the properties mentioned in prayer clause (d) of the Sheriff's Report which are (i) CTS No.23 (Part), admeasuring about 2373.75 Sq. mtrs. and CTS No.20 (Part) admeasuring about 83.74 Sq.mtrs and (ii) Survey No.96A-I, (corresponding to CTS No.23 (Part) admeasuring about 4180 Sq.mtrs.) and (iii) 100% right

to development and saleable area of Plot No.7, Survey No.96A (corresponding to CTS No.23 and Part No.4, admeasuring about 2926 Sq.mtrs.) aggregating to about 9563.49 Sq. mtrs situated at Village Hariyali, Taluka : Kurla, Vikhroli (West), Mumbai 400 083.

3. The Sheriff's Report is accordingly disposed of in the above terms.

4. In view of the satisfaction of the decree, the Commercial Execution Application No.264 of 2020 is also disposed of.

5. In view of the above, the Interim Application No.1524 of 2022 is also disposed of.

[R.I. CHAGLA J.]