

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO.564 OF 2019

Rashmilal H. Bheda ... Applicant
Vs.
Sadhana Vijay Loke and another ... Respondents

Ms. Mamta Shah for Applicant / Claimant.
Mr. D. S. Choudhari, Deputy Sheriff present.

CORAM : MANISH PITALE, J.
DATE : JUNE 20, 2023

P.C. :

Ms. Mamta Shah, learned counsel appearing for the applicant / original claimant submits that in terms of orders passed by this Court, he had purchased property in Auras Chambers at Worli, Mumbai and in paragraph 11 of the order dated 08.02.2023, it was specifically directed as follows:-

“11. The Chairman / Secretary of the Auras Chambers, Annex-A.S.S., Amrutwar Marg, Worli, Mumbai - 400 013 to admit the Auction Purchaser Mr. Rashmikant H. Bheda as member on payment of necessary charges and also issue Share Certificate to him in respect of the Suit property.”

2. Learned counsel for the applicant / original claimant submits that despite the specific directions contained in the above-quoted paragraph of the order dated 08.02.2023 and repeated attempts made by the applicant to pay the arrears of maintenance charges, the Chairman / Secretary of Auras Chambers has not taken any steps in that regard. The extent of arrears is not indicated although the applicant is ready to pay the amount and consequent issuance of share certificate in the name of the applicant is still not undertaken by the Chairman / Secretary of Auras Chambers.

3. This Court is of the opinion that the Chairman / Secretary of Aurus Chambers, Annex-A.S.S., Amrutwar Marg, Worli, Mumbai - 400 013 ought to take necessary steps expeditiously in the matter. The applicant is at liberty to approach the Chairman / Secretary of Aurus Chambers within a week from today in order to ensure compliance with the above quoted paragraph 11 of the order dated 08.02.2023. The Chairman / Secretary of Aurus Chambers shall take immediate steps for complying with the said direction. If the Chairman / Secretary of Oras Chambers fail to comply with the said direction, he / they shall personally remain present in this Court on the next date of listing. The applicant is granted liberty to serve a copy of this order on the Chairman / Secretary of Aurus Chambers, Annex-A.S.S., Amrutwar Marg, Worli, Mumbai - 400 013.

4. Insofar as the furniture lying in the suit property is concerned, it is reported that inventory of the furniture is already prepared by the Sheriff's office and it is awaiting appropriate directions for the sale of the furniture. The Sheriff's office is directed to sell the aforesaid furniture as per the procedure.

5. In the report of the Sheriff, it is submitted that apart from undertaking sale of the said furniture, permission may be granted to the Sheriff to reimburse the amount of Rs.50,000/- to the original claimant from the amount that would be realized from the sale proceeds of the said furniture. The Sheriff is permitted to undertake such exercise of reimbursing the said amount to the original claimant from the proceeds received from such sale. Accordingly, Sheriffs's report is disposed of.

6. List for further consideration on 19.07.2023.

(MANISH PITALE, J.)