

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

INTERIM APPLICATION NO. 1448 OF 2023
IN
COMMERCIAL EXECUTION APPLICATION NO. 81 OF 2016

The Cosmos Co-operative Bank Ltd.

...Applicant

Versus

Kanch Ghar

...Respondent

- Mr. Jayant Gaikwad, for Applicant.

CORAM : MANISH PITALE, J.

DATE : 05th JULY, 2023.

P. C. :

1. Heard, learned Counsel for the Applicant.
2. By this application, the Applicant is seeking extension of returnable date of warrant of sale of movable and immovable properties. It is brought to the notice of this Court that there is delay in moving the present application but, the delay occurred, *inter alia*, because the erstwhile advocate of the Applicant had filed Chamber Order in July, 2021, for extension of returnable date of warrant. But, the execution department directed the said advocate to file interim application, this being a commercial execution application. Thereafter, the said advocate informed the claimant that he did not wish to continue representing the claimant in the commercial execution proceedings, as result of which, the present advocate was engaged in the matter.

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3. It is also brought to the notice of this Court that earlier returnable date of the warrant was during the covid period and in these circumstances, this Court may consider condoning the delay and granting extension of the returnable date of the warrant. A specific prayer is also made for allowing the Applicant to withdraw the Chamber Order (Lodging) No. 14526 of 2021, which appears to have been erroneously filed on behalf of the Applicant.

4. This Court has considered the material on record. In the interest of justice, the application deserves to be allowed.

5. Accordingly, it is allowed in terms of prayer clauses (a), (b) (c), which read as follows :

- “a. This Hon’ble Court may be pleased to condoned delay of 02 years 10 Months and 22 days in filing the Interim Application.*
- b. This Hon’ble Court be pleased to extend the returnable date of Warrant of sale of movable and immovable properties under Order XXI Rule 64 of Civil Procedure Code, 1908 from 12th day of April, 2020 to 12th day of April, 2024;*
- c. This Hon’ble Court may be pleased to allow the Applicant to withdraw the Chamber Order (L) No. 14526 of 2021.”*

6. The application is disposed of.

(MANISH PITALE, J.)