

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.1306 OF 2020
IN
EXECUTION APPLICATION NO.2613 OF 2015

The Cosmos Co-operative Bank Limited ... Applicant
Vs.
New Laxmi Medical and General Store and others ... Respondents

Mr. Jayant Gaikwad and Ms. Pushpa Prajapati for Applicant.

CORAM : MANISH PITALE, J.
DATE : JULY 07, 2023

P.C. :

By this application, the applicant is seeking extension of date for execution of warrant of attachment of immovable and movable properties. It is submitted that initially the returnable date was 30.03.2017 and an application for grant of extension was moved only on 14.02.2020. The learned counsel appearing for the applicant, today, has tendered an additional affidavit. The same is taken on record.

2. In the additional affidavit, it is pointed out that there was a change of advocates and the earlier advocate had returned the papers to the applicant. It is further submitted that while moving the instant application, there was indeed delay but it was due to *bona fide* mistake on the part of the applicant. In the additional affidavit, in paragraphs 5 to 7, the applicant has given reasons as to why the instant application was not pursued earlier.

3. It is submitted that this Court may permit the prayer clause to be amended to replace the words “February, 2021” in prayer clause (i) with the words “30th March, 2024”.

4. In the interest of justice, the prayer for amendment is allowed. Amendment be carried out forthwith. Re-verification is dispensed with.

5. In the light of the above, the application is allowed and the date for execution of warrant of attachment of immovable and movable properties is extended till 30.03.2024.

(MANISH PITALE, J.)

Minal Parab