

*Sharayu Khot.*

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

INTERIM APPLICATION NO. 1606 OF 2022

IN

EXECUTION APPLICATION NO. 484 OF 2021

Rohan D'silva

...Applicant

*In the matter between*

Virmati Villa Co-operative Housing Society  
Ltd.

...Judgment Creditor  
(Orig. Claimant)

*Versus*

Shamik Enterprises Private Limited

...Judgment Debtor  
(Orig. Respondent)

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Mr. Sainath Pawar for the Applicant.

Fatema Tankiwala a/w Karan Jakhar i/by LJ Law for the  
Respondent/Judgment Creditor.

Ms. Suchita Poojary for RP of Shamik Enterprises Private Limited.

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**CORAM : R.I. CHAGLA J**

**DATE : 17 February 2023**

**ORDER :**

1. By this Interim Application, the 3rd party Applicant has sought raising of the attachment levied by the Sheriff of Mumbai in

pursuance of warrant of attachment dated 18th February 2022 in respect of the property of the Applicant described in Exh.A.

2. On the previous date, the Judgment Creditor had tendered a letter addressed by the Judgment Creditor to the advocates for the Judgment Creditor, wherein they have given instruction that they have no objection, if the subject property is released and the Interim Application is allowed.

3. Matter was stood over for instructions to be taken by the Resolution Professional who is representing the Judgment Debtor.

4. Learned Advocate appearing for the Resolution Professional has on instructions stated that the subject property at Exh.A to the Interim Application does not belong to the Judgment Debtor and the Resolution Professional has no objection to the relief sought for in the Interim Application being granted.

5. In view thereof, the following order is passed. :-

(i) Attachment levied by the Sheriff of Mumbai pursuant

to the warrant of attachment dated 18th February 2022 annexed at Exh.F to the Interim Application in respect of the subject property of the Applicant described in Exh.A is accordingly, set aside and/or quashed with immediate effect.

(ii) Interim Application is accordingly, disposed of.

**[R.I. CHAGLA J.]**