

K.S. Jadhav

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

EXECUTION APPLICATION NO.100 OF 2018

Vipul Shantilal Gala

...Original Claimant /
Judgment Creditor

Versus

Allied Construction Company & Anr.,

...Original Respondents /
Judgment Debtors

AND

EXECUTION APPLICATION NO.101 OF 2018

Vipul Gala and Anr.,

...Original Claimant /
Judgment Creditor

Versus

Allied Construction Company & Anr.,

...Original Respondents /
Judgment Debtors

M.P. Vora i/b Pramod Kumar & Co., Advocate for Original Claimant.
Mr. Vivek Patil a/w Mr. Devesh Sawant a/w Nitiraj Shirke i/b Vivek
Patil & Associates, Advocates for Respondents.

CORAM : R.I. CHAGLA J.

DATE : 17TH APRIL, 2023.

ORDER :

1. Execution Application No.101 of 2018 is not on board,
taken on board.

2. The learned Counsel for the Respondents / Judgment Debtors states that the order dated 23rd March, 2023 in so far as the payment to the Society is concerned, has been complied with by the Judgment Debtors. He has tendered the statement of Society Maintenance Charges Bills and Bank Statement showing payment made by two Cheques and NEFT to the Society towards their dues which is taken on record and marked 'X' for identification.

3. In so far as issuance of the Sheriff's 1% poundage is concerned, this has already been kept open for the Judgment Creditor to make claim for reimbursement of this amount against the Judgment Debtors. However, the Judgment Creditor was directed to satisfy the payment which is mentioned in Paragraphs 5 and 6 of the said order dated 23rd March, 2023. Further, it has been directed in the said order that the amount deposited by the Judgment Creditor, lying with the office of Sheriff of Mumbai, shall be appropriated towards the charges for valuation. This left a balance amount of Rs.39,300/- payable towards the Valuation charges which has been paid by the Judgment Creditor. Thus, the decree in respect of which Execution Application No.100 & 101 of 2018 had been filed, stands satisfied.

4. The Execution Application No.100 of 2018 and Execution Application No. 101 of 2018 are accordingly disposed of.

[R.I. CHAGLA J.]