

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition No.17546 of 2024

Mrs. Geetika Daruwalla ... Petitioner
V/s.
Mr. Tushar Sheth ... Respondent.

Mr. Girish R. Agrawal a/w. Ms. Naina P. Boraste	Advocate for the Petitioner
--	-----------------------------

CORAM : S.M. MODAK, J

DATE : 09 December 2024.

P.C. :

Heard learned Advocate Agrawal for the petitioner-applicant who has filed an application for release of the suit flat from attachment. The application is on Page No.13 dated 15 January 2014. There was a money decree passed against the husband of the applicant. In the suit filed by the present respondent during the execution of money decree, the flat is attached. After attachment the present petitioner has applied for releasing the flat from attachment.

2. Even petitioner has given evidence and she was cross-examined in part. Execution was transferred from one Court to another Court at Pune only. There is a transfer application filed by the respondent-decree holder. It is Miscellaneous Application No.79/2014 before the same Executing Court (which is on Page-15). The Executing Court in view of non-attendance by the present

applicant has passed no evidence order on 19 August 2023 when she applied for setting aside said order. It was rejected on 25 July 2024. It is under challenge (Page-28).

3. Leave to amend to add fresh address of the respondent is allowed. Amendment be carried out forthwith.

4. Issue notice to respondents on the amended address before admission, returnable on **4 February 2025**. Private notice is allowed. Service affidavit be filed.

(S.M. MODAK, J.)