

Kavita S. J.

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

EXECUTION APPLICATION NO.1665 OF 2022

The Cosmos Co-op. Bank Ltd.,

**...Applicant/
Claimant /
Decree Holder**

Versus

Chelakara Narayanan Balakrishnan & Ors.,

...Respondents

Mr. Jayant Gaikwad, Advocate for Applicant/Claimant/Decree
Holder.

CORAM : R.I. CHAGLA, J.

DATE : 11TH JANUARY, 2024.

ORDER :

1. The learned advocate appearing for the Applicant has sought leave to withdraw Execution Application No.1665 of 2022 on the ground that the Attachment Warrants have been executed against the properties which do not belong to the Respondent Nos.3 & 4.

2. In view thereof, he has sought liberty to file fresh Execution Application, in the event, properties of the Respondents are identified.

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3. In view thereof, Execution Application No.1665 of 2022 is disposed of as withdrawn with liberty as prayed.
4. The Attachment Warrants executed, shall stand cancelled.
5. The Applicant shall bear the liability for Sheriff's Poundage as provided under 474 of the Bombay High Court (Original Side) Rules considering that the property has been attached.
6. The Applicant shall make payment of the Sheriff's Fees / Poundage within a period of three weeks from the date of this Order.

[R.I. CHAGLA, J.]