

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.2229 OF 2025
IN
EXECUTION APPLICATION NO.2225 OF 2016**

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The Cosmos Co-operative Bank Ltd.,
Goregaon East Branch. ...Applicant

IN THE MATTER BETWEEN

The Cosmos Co-operative Bank Ltd.,
Goregaon East Branch. ...Disputant

Versus

R K D Telecom Pvt. Ltd. & Ors. ...Opponents

Mr. Jayant Gaikwad, for the Applicant/Disputant-Bank.

**CORAM: MADHAV J. JAMDAR, J.
DATED: 17 DECEMBER 2025**

P.C.:

1. The Applicant i.e. Award Holder has sought the following reliefs
in the Interim Application :-

- “a. This Hon'ble Court may be pleased to issue direction to the Sheriff of Bombay to break open the suit premises with police protection and valued the suit premises.*
- b. for cost of the Interim Application be provided;*
- c. for such further and other reliefs as the nature and circumstances of the case may require;”*

2. In the Interim Application, it is stated that the Opponent No.3 was present before the Sheriff of Bombay along with Advocate on 24th September 2025 and on that date the Sheriff of Bombay appointed M/s. Neelam Arch as a Valuer for valuation of immovable property of Opponent No.3 situated at the premises bearing Flat Nos.102, 103, Vasant Apartment, J.P. Nagar Road No.1, Goregaon (East), Mumbai 400 063 (“**said premises**”) and directed the Applicant to deposit Rs.50,000/- with the office of Sheriff of Bombay within a period of one week. The next meeting was scheduled on 24th October 2024. In the said meeting the Sheriff has orally directed the Opponent No.3 and her Advocate to cooperate the Valuer for valuation of the suit premises. On 13th November 2024, the Bailiff of Sheriff of Bombay along with Valuer and representative of the Applicant have attended the residential premises of Opponent No.3 i.e. the said premises, for service of Valuation Notice and for valuation of the said premises. The Opponent No.3 duly received the said Valuation Notice and acknowledged the same, however, the Opponent No.3 refused and obstructed the Valuer doing the valuation of the suit premises and has not allowed the Valuer and Bailiff of Sheriff of Bombay to take inspection for valuation of the immovable property and obstructed the said proceedings.

3. Mr. Jayant Gaikwad, learned Counsel, states that the Award is for Rs.16.62 Lakhs along with the interest at the rate of 16%. The Award is

of the year 2015. He states that the Applicant is a Co-operative Bank and therefore the public money is involved.

4. Mr. Jayant Gaikwad, learned Counsel, submits that the said conduct of the Applicant is to frustrate the execution of the Award and therefore the Interim Application seeking above reliefs be granted in the interest of justice.

5. The Respondents have been served. However, none appears for the Respondents. No reply has been filed to the Interim Application. Thus, the contentions raised in the Interim Application have remained unchallenged.

6. Accordingly, the Interim Application is allowed in terms of prayer clause (a).

7. The Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]