



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

INTERIM APPLICATION NO.1 OF 2020
IN
COMMERCIAL EXECUTION APPLICATION NO.2 OF 2015
IN
ARBITRATION CASE NO.BK-15 OF 2013
AND
COMMERCIAL CHAMBER SUMMONS NO.465 OF 2018
AND
COMMERCIAL CHAMBER SUMMONS NO.649 OF 2018

M/s.Shriram City Union Finance Ltd.	...Applicant
In the matter between	
M/s.Shriram City Union Finance Ltd.	...Plaintiff
Versus	
Zero Waste Solution Pvt.Ltd. & Ors.	...Defendants
and	
Dy.Sheriff of Mumbai.	...Respondent.

Ms.Shakuntala Joshi with Ms.Nikita Pawar i/b. S.I.Joshi & Co., for the
Applicant.

CORAM : G.S. KULKARNI, J.
(IN CHAMBER)
(At 2.45 p.m.)

DATE : 24 November 2020

P.C.:

These proceedings are listed today on a praecipe as moved on behalf of the applicant for speaking to the minutes of the order dated 12 February 2020.

2. The application being that in paragraph 2 of the said order when the Court describes the premises, a reference be also incorporated to a “loft admeasuring area 115 sq.ft.”.

3. Ms.Joshi, learned Counsel for the applicant states that such inclusion is necessary in view of description of the premises in the original deed of sale dated 30 March 2012 executed between Raja Bahadur Motilal (Bombay) Mills Pvt.Ltd. in favour of the borrower M/s.Zero Waste Solutions Pvt.Ltd., which refers to such description not only at page 1 of the document but also in the "Schedule" as appended after paragraph 14 in the Sale Deed, thereby referring to the loft admeasuring 115 sq.ft. of built up area. Ms.Joshi has submitted that also in the mortgage deed executed by the borrower with the applicant, a specific reference has been made and incorporated to the loft admeasuring 115 sq.ft. also in the first schedule of the said document.

4. Learned Counsel for the applicant has produced for perusal of the Court, the original sale deed as noted above as also the original Indenture of Mortgage dated 8 October 2010 executed by the borrower in favour of the applicant. The court has noticed such description in these documents.

5. In these circumstances, it would be appropriate that the order dated 12 February 2020 is corrected so as to include a reference to the loft admeasuring 115 sq.ft. built up area. Accordingly, the following correction be made:-

In paragraph (2) of the order dated 12 February 2020 in line no.8 after the words "built up area" add the following:-

"and loft admeasuring 115 sq.ft."

6. The above correction be accordingly incorporated in the said order and a copy of the order be made available to the parties.

7. Learned Prothonotary & Senior Master of this Court is requested to accordingly take urgent steps and issue a necessary certificate.

8. This order will be digitally signed by the Private Secretary of this court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

[G.S. KULKARNI, J.]