

This Order is modified/corrected by Speaking to Minutes Order dated 17/09/2018



Shephali

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

CHAMBER SUMMONS (L) NO. 848 OF 2018

IN

COMM EXECUTION APPLICATION (L) NO. 1513 OF 2018

IN

NOTICE OF MOTION NO. 103 OF 2016

IN

COMMERCIAL SUIT NO. 250 OF 2016

Ashok Satramdas Bhagia & Reshma Ashok Bhagia ...Applicants/
Decree Holders

Versus

Orno Infra Projects Pvt Ltd & Ors ...Judgment
Debtors

**Mr Dhaval Mehta, I/b DM Legal Associates, for the Judgment
Debtors Nos. 1 to 7.**

**Mr Karl Tamboly, with Harsh B, I/b Maniar Srivastava Associates,
for the Applicant.**

**CORAM: G.S. PATEL, J
DATED: 11th September 2018**

PC:-

1. Mr Tamboly submits a draft amendment. This is taken on record and marked “T” for identification with today’s date. Leave to amend the terms of the draft tendered and taken on record. Amendment to be carried out on or before Friday, 14th September 2018 without need of re-verification.

2. The newly added Respondent, Dewan Housing Finance Corporation (“DHFC”) will be served with a copy of the proceedings in the Execution Application and the Chamber Summons, as also an ordinary copy of this order. It is made clear that no reliefs are sought against DHFC. It is being joined as Respondent only to clarify whether its charge or mortgage over the immovable property at Khar has been cleared and whether its debts have been satisfied. This is required because the records at the Registrar of Companies’ online portal presently indicate that there is an open and existing charge in favour of DHFC in respect of this very property.

3. The presence of DHFC is necessary because the Judgment Debtors propose to give Flat Nos. 303 and 304 in the Khar project to the Decree Holder in part or full satisfaction of the decree.

4. List the matter for directions on 1st October 2018.

(G. S. PATEL, J)