

Andreza



**IN THE HIGH COURT OF BOMBAY AT GOA**  
**WRIT PETITION NO. 384 OF 2026**  
**WITH**  
**MISC. CIVIL APPLICATION NO. 2539 OF 2026**  
**IN**  
**WRIT PETITION NO. 384 OF 2026**

The Saraswat Cooperative Bank Limited, A bank registered under The Multi – State Co-operative Societies Act, 1984, having its registered office at, Madhukosh, S. V. Sovani Path, Girgaum, Mumbai – 400 004 and having its Zonal Office at Mushtifund Sauntha Bldg. Dada Vaidya Road, Panaji-Goa, 403001, Thr its Manager, Siddesh Surendra Pokle, aged 49 years, Indian National, r/o. H. No. 16, Gardiwala, Karapur, Sanquelim, North Goa.

... Petitioner

*V e r s u s*

1. Mr. Damodar Narshiv Narvekar, (deceased) R/o. Shetty Enclave, Opp. Devashri Garden, Ground Floor, Alto Porvorim, Goa, 403521.

(1)(a) Mrs. Deepti Damodar Narshiv Narvekar, aged 57 years, Indian National, service, r/o. H. No. 885/8(2), Kamat Nagar, Succorro-Porvorim, Bardez, Goa-403521.

2. Shri Milind Narshiv Narvekar, r/o. Naresh Residency, 2<sup>nd</sup> Floor, Opposite to Nagesh Temple, Ponda, Goa.

...Respondents

**Mr. Vibhav Amonkar, Advocate** with Mr. Shivam Fadate, Advocate for Petitioner.

**Mr. Raj Amonkar, Advocate** (through VC) with Ms. D. Parab, Advocate for Respondent No. 1(a).

**CORAM : S. G. CHAPALGAONKAR, J.**

**RESERVED ON : 14<sup>th</sup> OCTOBER 2026**  
**PRONOUNCED ON : 21<sup>st</sup> OCTOBER 2026**

**ORDER**

**1.** Petitioner impugns Order dated 08.01.2026 passed by Adhoc District Judge-2, Mercas, North Goa, in Execution Application No. 391 of 2016, thereby closing the execution proceedings as no prospective buyer came forward to purchase half undivided share of flat of Judgment Debtor No. 1(a).

**2.** Mr. Damodar Narshiv Narvekar had obtained vehicle loan of Rs.5,50,000/- from Petitioner. However, he failed to repay the loan as per fixed installments. Eventually, Arbitration Proceedings was initiated, which culminated into an Award dated 13.12.2014 in favour of Petitioner for sum of Rs.3,68,990/- plus interest @ of 12% per annum. Petitioner initiated proceedings Execution Application No.391 of 2016 before learned District Judge. During pendency of execution proceedings, JD expired. Respondent no. 1(a) is brought on record in the capacity of legal heir of Respondent no. 1-JD. During course of execution, flat of JD No.1(a) bearing house No. 885/8(2), Kamat Nagar, Socorro, Porvorim, was attached and proclamation of sale by public auction with respect to only half undivided share of JD in said Flat, was issued in terms of Sections 64 to 66 of Civil Procedure Code (CPC).

However, on failure of Petitioner to get a prospective buyer, Executing Court closed the execution proceedings vide impugned Order dated 08.01.2026.

**3.** Mr. Amonkar, learned Advocate appearing for Petitioner, would submit that impugned Order is patently erroneous and contrary to established principles of law. He submits that there was no dispute that property in question was communion of assets, however, unless decretal amount is satisfied, execution proceedings could not have been disposed of. By inviting attention of this Court to impugned Order, he submits that Order is unreasoned and mechanically passed. According to Mr. Amonkar, it was possible for Petitioner to take steps to attach any other assets of deceased-JD which are in possession and in control of JD No. 1. The Petitioner could have been afforded full opportunity to execute the Decree, instead of abrupt foreclosure of proceeding without satisfaction of Award/Decree.

**4.** Mr. Raj Amonkar, learned Advocate appearing for Respondent, supports the impugned Order.

**5.** Having considered the submissions advanced by learned Advocates appearing for respective parties, it cannot be disputed that Petitioner-Bank is the Decree Holder and entitled to seek execution of Decree with assistance of Court till Decree is satisfied. In present case,

the only asset of JD No. 1 was attached to the extent of half undivided share and proclamation of sale by auction was issued. Apparently, the execution could not have been proceeded by proposed auction sale of undivided share. However, fact remains that Petitioner-Bank was entitled to take any other step to secure execution of Decree against the assets of JD. In this backdrop, the abrupt closing of execution proceedings has certainly caused prejudice to Petitioner's right.

**6.** Needless to state here, that execution proceedings cannot be continued years together and it was for Petitioner to take effective steps to secure expeditious disposal of execution proceedings. This Court finds that in peculiar facts and circumstances of this case, Petitioner can be given one more opportunity to proceed with the execution with liberty to take necessary steps, as permissible under law.

**7.** Learned Advocate appearing for Petitioners, on instructions, assures that Petitioner would take necessary steps within a period of one year from today for getting complete execution of the Decree and, in case of failure, the Executing Court may proceed to close the proceedings.

**8.** In light of aforesaid submissions, Writ Petition is allowed in terms of prayer clause (a), which reads thus :

“(a) Issue a writ of Certiorari or a writ in the nature of Certiorari or any other appropriate writ, order or direction, quashing and setting aside Impugned Order – I passed by the Adhoc District Judge-2, Mercês, North Goa dated 08.01.2026 passed in Execution Application No. 391/2016 and to restore the same to the file of the proceedings of the Adhoc District Judge-2, Mercês, Tiswadi, North Goa, Goa.”

**9.** Needless to state here that in case of failure of Petitioner to take necessary steps to secure execution of Decree within a period of one year from today, the proceedings shall stand closed without further reference to this Court.

**10.** Writ Petition stands disposed of. Pending Application, if any, stand disposed of.

**S. G. CHAPALGAONKAR, J.**