

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

**CIVIL APPLICATION NO. 1501 OF 2014
IN
FIRST APPEAL NO. 455 OF 2014**

WITH

**CIVIL APPLICATION NO. 1502 OF 2014
IN
FIRST APPEAL NO. 456 OF 2014**

Premlata A. AgarwalApplicant.
Vs.
Zenal Constructions Pvt. Ltd. & Anr.Respondents.

WITH

**CIVIL APPLICATION NO. 1503 OF 2014
IN
FIRST APPEAL NO. 457 OF 2014**

WITH

**CIVIL APPLICATION NO. 1504 OF 2014
IN
FIRST APPEAL NO. 458 OF 2014**

Ravi A. AgarwalApplicant.
Vs.
Zenal Constructions Pvt. Ltd. & Anr.Respondents.

Mr. A.G. Damle a/w Mr. R.R. Lanjekar for the Applicant in all Civil Applications.
Ms. Anjali Neel Helekar for Respondent No.1 in all Civil Applications.
Mr. Y.K. Tiwari i/by Shashipal Shankar for Respondent No.2 Civil Applications.

**CORAM : SMT. VASANTI A. NAIK AND
C.V. BHADANG, JJ.
DATE : 5th JANUARY 2015.**

P.C.:-

Heard.

Perused the Judgment of the Trial Court as also, the orders dated 10.02.2009, 20.03.2009 and 18.03.2010 in the Civil Suits bearing Nos. 251, 252, 253 and 254 of 2009. Also perused the order dated 29.09.2011 in Appeal No. 203 of 2010 and the order of the Hon'ble Supreme Court dated 22.11.2012 in the Special Leave Appeals filed by the Respondent No.2.

It prima facie appears on a perusal of the orders and on hearing the learned counsel for the parties that it would not be proper to grant the prayer for continuing the Receiver on flat No. 703-A Wing during the pendency of the First Appeals. The trial Court had rightly discharged the Receiver from flat No. 703-A Wing. However, since the purchaser of flat No. 801-A Wing was not a party in the Suits filed by the Appellant-Plaintiff and is also not a party to these First Appeals, at this stage, we do not discharge the Receiver on flat No. 801-A Wing. Also, since the Respondent No.1 was directed to deposit Rs. 98 lakhs received towards consideration from the Respondent No.2 and since we have discharged the Receiver from the property purchased by the Respondent No.2, we permit the Respondent No.1 to withdraw the amount of Rs.98 lakhs, with interest accrued thereon, as deposited by the Respondent No.1 in terms of the order dated 22.04.2010 in Appeal No. 204 of 2010 and others.

The learned counsel for Respondent No.2 states that the Respondent No.2 would not transfer flat No. 703-A Wing or create any third party interest therein during the pendency of the Appeals. The statement made by the learned counsel would be binding on the Respondent No.2.

All the Civil Applications are disposed of in the aforesaid terms.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)