

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**APPEAL FROM ORDER NO. 1362 OF 2013
WITH
CIVIL APPLICATION NO. 1625 OF 2013**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. T. G. Vora with G. K. Vora i/b D.R. Mishra for the appellant.

None for the respondent.

CORAM : K. K. TATED, J.

DATED : 21/07/2015.

PC.:

. Heard learned Counsel for the appellant.

2 Though the respondents are duly served for final disposal of Appeal from Order, no one appeared on behalf of them, when the matter called out.

3 This Appeal from Order is preferred by plaintiff challenging the order dated 03.09.2013 passed by Bombay City Civil Court, Mumbai in Chamber Summons no. 242 of 2012 partly allowing the same.

4 The learned counsel for the appellant submits that the Trial Court has not given any direction in

order dated 03.09.2013 for discharging the Court Receiver in respect of Unit No. 329 in Ramgopal Industrial Estate, Dr. Rajendra Prasad Road, Mulund (W), Mumbai and Flat No. 33, 5th floor, 'B' Wing, Harsha Apartment, Bhakti Road, Mulund (W), Mumbai.

5 It is the case of the appellant that after the death of defendant no.1 Mrs. Gyandevi Chhotelal Shukla, he is the only legal heirs to claim the entire property. He further submits that appellant has applied for letter of administration/probate. Therefore, this Hon'ble Court be pleased to grant liberty to the appellant to move before the Trial Court for same cause of action after obtaining letter of administration/probate in respect of suit property. Same is allowed.

6 Hence, the following order is passed:

ORDER

a) Appeal from Order stands dismissed as withdrawn with liberty to file an appropriate application before the Trial Court for same cause of action after obtaining letter of administration/probate in respect of suit property.

b) The Trial Court to decide that application on its own merits.

c) The liberty granted to the appellant to carry out appropriate amendment in S.C. Suit No. 8870 of 2000 (High Court Suit No. 3752 of 2000) pending in Bombay City Civil Court, Mumbai within four weeks from today as per order dated 03.09.2013 in Chamber Summons no. 242 of 2012.

d) Appeal from Order as well as Civil Application stand dismissed as withdrawn. No order as to costs.

(K.K.TATED, J.)