

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.335 OF 2013
IN
SUIT NO.2963 OF 1997**

Dilip Babubhai Shah	...	Applicant
and		
Bank of Baroda	...	Plaintiff
versus		
Dilip Babubhai Shah,		
Prop. Of R.S.Bros and Anr.	...	Defendants

None for Plaintiff.

Mr. Ketan A. Chotani, for Defendant No.1 and Applicant to CHS and NMS 3607 of 2010.

None for Applicant in NMS(L) No.681 of 2015.

Mr. S.P.Trivedi i/by M/s. A. Bharat and Co., for Defendant Nos.2 (a) to (c).

CORAM: S.J. KATHAWALLA, J.

DATE: 14th OCTOBER, 2015

P.C.:

1. Perused the Chamber Summons and the Affidavit in support thereto. The Chamber Summons has been served on the Plaintiff as far back as on 06-03-2014. However, none appear for the Plaintiff. In view thereof, for reasons set out in the Affidavit in support of the Chamber Summons, the Chamber Summons is allowed in terms of prayer clauses (a) and (b), subject to the Defendants paying costs and expenses of the Court Receiver, which costs and expenses the Defendants shall be entitled to recover from the Plaintiff. Prayer clauses (a) and (b) are reproduced hereunder :

“(a) In view of dismissal of the suit vide order dated 20th March, 2012, the Court Receiver High Court, Bombay, appointed as Receiver of the properties and assets of Defendants, be discharged without passing of accounts;

(b) that the Court Receiver, High Court, Bombay, appointed as Receiver be directed to hand over the assets and properties of Defendant No.1 seized and in custody and possession of the Court Receiver as per Inventory dated 6th February, 2003 at Exhibit D1 to the Affidavit in support of Chamber Summons during the pendency of the Suit to the Defendant No.1;”

2. The Chamber Summons is accordingly disposed of.

(S.J.KATHAWALLA, J.)