

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.926 OF 2013
IN
SUIT NO.407 OF 2013**

M/s. Chandansagar Infrastructure Pvt. Ltd. ... Plaintiff

versus

Ashok Chimanlal Mehta (since deceased)

1(a) Smt. Alka Ashok Mehta and Ors. ... Defendants

Mr. Simil Purohit i/by Mr. Dharmesh S.Jain, for Plaintiff.

Mr. Mani Thevar i/by M/s. Mahesh Menon and Co., for Defendant Nos.3 to 5.

Mr. Induprakash Tripathi i/by M/s. A. Bharat and Co., for Defendant No.7.

Mr. R.P.Ojha, for Defendant No.12.

CORAM: S.J. KATHAWALLA, J.

DATE: 19th NOVEMBER, 2015

P.C.:

1. Heard the learned Advocates for the parties and by consent, the following order is passed :

(i) The Court Receiver, High Court, Bombay, appointed by an order of this Court dated 04-07-2013 shall pending the hearing and final disposal of the Suit, continue to be in symbolic possession of the Suit properties.

(ii) The learned Advocates for the parties state that they have not created any third party rights and have not alienated, encumbered, parted with possession any of the suit properties in any manner whatsoever and that they shall not do so until further orders of this Court. The statement is accepted.

(iii) The learned Advocate for Defendant No.7 states that there are five tenants using and occupying the Suit premises i.e. Mr. Gudino, Dr. A.S.Dadrawala, Mr. Mansukhbhai Gerevara, Mr. Gandhi Virji Gindra and M/s. Kamal Trading Co. The rent paid by the said tenants is being collected by Defendant No.7. The Defendant No.7 shall continue to do so, subject to the Defendant No.7 filing an Affidavit setting out the particulars of the rent collected by him till date and thereafter, he shall submit accounts of the same to the Prothonotary and Senior Master of this Court every quarterly qua rent collected by him.

(iv) The Defendant No.7 shall without prejudice to the rights and contentions of the parties, pay all the statutory dues including taxes in respect of the suit properties from time to time including arrears if any.

(v) None of the parties shall change any of the five tenancies or create any new tenancies without seeking prior permission of this Court. In the event of any of the five tenants surrendering their tenancy rights, the Court Receiver, High Court, Bombay, shall be forthwith informed about the same.

(vi) The Notice of Motion is accordingly disposed of.

(vii) The Defendants shall file their Written Statements within four weeks from today. Place the Suit for Framing of Issues on 21-12-2015.

(S.J.KATHAWALLA, J.)