

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.979 OF 2015

M/s Shree Harsh Developers	... Petitioners
v/s	
The State of Maharashtra and others	... Respondents

Mr Ashok Saraogi for Petitioners.
Ms H.Y. Shah, AGP for Respondent No.1.
Mr D. Adarkar for Respondent Nos.4 and 5.
Mr K.P. Mali for Respondent No.6.
Mr V.M. Sawant for Respondent No.8.
Mr M.M. Malvankar for Respondent No.9 – BMC.
Mrs Geeta Nair, S.O., Court Receiver's Office present.

**CORAM: V.M. KANADE &
B.P. COLABAWALLA JJ.**

DATE : 15TH JULY 2015

P.C. :-

1. We are informed that the Court Receiver is appointed in respect of one of the shops and therefore, though the new building is ready, the said person who is in occupation of that shop is not shifting to the new building. It is submitted that the Court Receiver has been

appointed by this Court and Respondent No.2 is appointed as agent of the Court Receiver.

2. This controversy can be resolved. We direct the Court Receiver to permit the occupant of Shop No.12 to shift to the premises which are now constructed by the Petitioners to the new Shop No.9 and Respondent No.2 shall continue to pay royalty to the Court Receiver pending the hearing and final disposal of the suit.

3. It is clarified that after the dispute between the Respondent Nos.2 and 3 to 6 who are residing in old premises is over, they shall occupy the premises in new building. Writ Petition is disposed of in the aforesaid terms. The Respondent No.2 shall shift to the new premises within one week from today. At the moment, an agreement shall be executed in favour of Respondent No.2 and the agreement shall also be signed by Respondent Nos.3 to 6. This shall however be subject to final decree passed by the Bombay City Civil Court. It is clarified that the Court Receiver is now appointed on new Shop No.9 in the new building. Petition is disposed of.

(B.P. COLABAWALLA, J.)

(V.M. KANADE J.)