

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.1227 OF 2014
IN
COURT RECEIVER REPORT NO.246 OF 2011
IN
SUIT NO.2471 OF 1984

Nipun Thakkar	...	Applicant
In the matter of Jitendra Nanalal Trivedi	...	Plaintiff
Vs.		
Ramesh Nanalal Shah & Ors.	...	Defendants

Mr. Dinyar Madon, Sr. Adv., aw. Dr B Saraf, Adv. a/w. Sanjay Jain, Adv. a/w. Nishant Shashidharan, Adv. i/b. Dushyant Purekar for applicant in CHS No.1227 of 2014 and defendant No.2 in Exe (L) No.370 of 2012.

Mr. C R Naidu, Adv. for defendant No.5.

Mr. Girish Vora, Adv. a./w. Mr. Samir B Pawar, Adv. for defendant No.6

Mr. Vinod Thaker, Adv. for plaintiff in CHS No.2113 of 2011.

CORAM : MRS. ROSHAN DALVI, J.

DATE : 25th February, 2015.

P.C. :

1. The applicant is the assignee of the original defendant Nos.2, 3(a) to 3(e), 7 and 10. He has applied for permitting him to be impleaded as a party in the above Court Receiver's Report. The Court Receiver has been appointed in execution. The Court Receiver's Report is made upon his appointment. Consequently it is made in execution. The assignee would have the rights of the aforesaid defendants in the place and instead of the aforesaid defendants. He is a transferee in respect of those rights.

2. Under Order 21 Rule 16 of the CPC he would be entitled to apply for execution of the decree, subject, of course, to the notice being given to transferors who are above defendants and the judgment debtors.

3. Consequently as corollary thereto he would also be entitled to brought on record in the execution application and the applications taken out in such application as he has already been directed to be brought on record under the order of the Single Judge of this Court dated 16th July, 2014 in the above execution application itself. Consequently in the report made by the receiver appointed in execution in the execution application filed in the above suit for executing the decree passed in the above suit he must be heard in the place and instead of defendants. Hence he is required to be brought on record in the Court Receiver's Report also and in fact in all future other proceedings taken out by any other party. Consequently the Chamber Summons is made absolute as prayed. The Court Receiver shall amend the above report showing the applicant who is the assignee of the above defendants as party to the report in execution within two weeks. The Court Receiver shall also carry out the amendments in the copies of the report served upon all other parties within two weeks.

4. The Court Receiver's Report is adjourned for two weeks.

5. The above Chamber Summons is disposed of accordingly.

6. This order is stayed for two weeks.

(ROSHAN DALVI, J.)