

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION NO. 3545 OF 2010****IN****SUIT NO. 3092 OF 2010**

Shivkumar Baliram Chandnani & Anr.

...Applicants / Plaintiffs

vs.

Saraswati B. Harwani & Ors.

....Respondents

Ms.Mahak Bookwala with Ms.Siddhi Doshi i/b. Bilawala & Co. for Plaintiffs.

Mr.Shailesh Naidu with Pradip Patil i/b. India Law Alliance for Defendant Nos.1 and 2.

Mr.A.B.Yadav, Section Officer of Court Receiver.

CORAM : S.C. GUPTE, J.**17 NOVEMBER 2015****P.C. :**

This suit is under Section 6 of the Specific Relief Act and concerns two shops, namely, Shop Nos.5 and 6, situated at Plot No.373, Khar Lotia Palace Co-operative Housing Ltd. Linking Road, Khar (West), Mumbai – 400 052. By an order dated 28 October 2010, the Court Receiver has been appointed in respect of the suit shops. The shops are in the possession of the Receiver. Due to some problem or the other, no one has been appointed as an agent of the Court Receiver in respect of the same. Today, when the motion reached hearing, the parties were asked to bid for payment of royalty with an understanding that the highest bidder would be appointed as an agent of the Court Receiver. The parties, accordingly, had given their respective bids and were asked to outbid each other. Finally, the bid of Rs.1,95,000/- per month communicated by Defendant Nos.1 and 2 is found to be the highest bid for payment of royalty.

2 Defendant Nos.1 and 2 are, accordingly, directed to be appointed as agents of the Court Receiver against payment of royalty of Rs.1,95,000/- per month. Defendant Nos.1 and 2 shall submit three months advance royalty as a

security and enter into an agreement of agency on usual terms and conditions with the Court Receiver. Court Receiver to grant moratorium of one month from handing over of the possession of the suit shops to Defendant Nos.1 and 2 in respect of payment of royalty for enabling them to carry out repairs and renovation. The agreement shall be initially for a period of twenty-four months and continuation of agency thereafter will be considered by this Court on payment of an enhanced royalty.

3 The Motion is disposed of, accordingly.

(S.C. Gupte, J.)