

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4581 OF 2013

IN

FIRST APPEAL NO. 311 OF 2012

IN

S.C. SUIT NO. 637 OF 1999

Bhoop Narayan V. Singh & Anr.

...Applicants

Versus

M/s. Rizvi Estate & Hotels Pvt. Ltd.

...Respondent

Mr. P.S. Madkaikar, for the Applicants.

Mr. P.G. Lad, i/b Mr. Ravi Thankaian, for Respondent.

CORAM : R.M. SAVANT, J.

DATE : 28th July 2016

PC. :

1. The above Civil Application has been filed *inter alia* for the reliefs that the original Appellant be directed to remove the lock put by it on the suit premises, Shop No. 11 situated on the ground floor, Plot No. 4, S.V. Road, Santacruz (West) and in the alternative pending the hearing and final disposal of the above Civil Application,

the Court Receiver, High Court, Bombay be appointed as the Receiver of the suit premises that is the said Shop No. 11. It is required to be noted that the parties were heard on the interim relief at the time of the admission of the above Appeal on 7th March 2012. A learned Single Judge of this Court had allowed the Civil Application filed by the Respondent/original Appellant in terms of prayer clause 13(a) by putting a condition that the Applicants shall not lock the premises and that the premises not to be used. The Applicants/original Respondents to the above First Appeal that is the decree-holder has now filed the above Civil Application for the reliefs, which have been adverted to in the instant order.

2. In my view, it is not possible to grant the relief sought in the Civil Application firstly, on the ground that the Applicant was heard when the said order dated 7th March 2012 was passed and secondly, granting the said relief would unnecessarily complicate matters. If the premises are unused and are kept under lock and key, it would be just and proper that the said premises continue in the said position pending the hearing and final disposal of the First Appeal. The Civil Application is accordingly, rejected.

[R.M. SAVANT, J.]