

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***CIVIL APPLICATION NO.99 OF 2016
in
APPEAL FROM ORDER NO.78 OF 2016***

Harish Kantilal Patel
@ Harshad Kantilal Patel .. Applicant
Vs.
M/s.Rushab Enterprises & Ors. .. Respondents

Mr.Sunil Patel for the applicant.
Mr.O.A. Das for the respondents.

***CORAM : R.D. DHANUKA, J.
DATE : 2nd February 2016***

P.C.

- . Rule. Respondent no.4 (contesting party) waives service.
2. The respondent no.4 has already handed over possession of the suit property to the third party for obtaining license.
3. Mr.Das, learned counsel appearing for the respondents states that the respondent no.4 is in physical possession of the suit property and has been paying maintenance charges to the Society regularly. He submits that the Economic Offence Department has already issued a notice not to create third party rights in respect of the suit property and in view thereof, none of the parties can deal with the suit property. Statement is accepted.
4. Since the respondent no.4 is already in possession of the suit property, he cannot be dispossessed at this stage. The respondent no.4 is

directed not to create third party rights in respect of the suit property. The Court Receiver, High Court, Bombay shall take symbolic possession of the suit property and allow the respondent no.4 to occupy the suit property and no other party. The respondent no.4 shall continue to pay outgoing charges of the Society and all other charges as may be charged by the Society without prejudice to the rights and contentions of both the parties. If any agency agreement is required to be entered into by the Court Receiver with the respondent no.4 pursuant to the interim order passed by the learned trial Judge, the respondent no.4 shall execute the agency agreement expeditiously and a copy of such agreement shall be furnished to the learned advocate representing the appellant within two weeks from the date of execution of the such agreement. The respondent no.4 is granted six weeks' time to execute the agency agreement.

5. Hearing of the appeal is expedited.
6. Civil application is disposed of. No order as to costs.

R.D. DHANUKA, J.