

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.44 OF 2013
IN
NOTICE OF MOTION NO.836 OF 2016

Atika ahmed Antuley

Appellant

versus

Shehab Bohra and others

Respondents

Mr.Asif I. Patel for Appellant.

Mr.Pradeep Havnur with Ms.Radhika Sampat for Respondent nos.1 and 2.

Mr.R.V.Govilkar for Respondent no.8.

Mr.Naresh Ratnani i/by Ashwin Ankhad & Associates for Respondent no.11.

Mr.S.S.Deshpande, Court Receiver, is present.

CORAM : A.S.OKA AND P.D.NAIK, JJ.

DATE : 4th May 2016

PC :

1. Heard learned counsel for the Appellant and learned counsel for first and second Respondents (original Plaintiffs) who are the only contesting parties. Learned counsel for the first and second Respondents states that by setting aside the order dated 4 December 2012 in Chamber Summons No.1243 of 2012, Court Receiver's Report No.599 of 2012 and Contempt Petition No.72 of 2008 in Suit No.2675 of 2006 be restored to the file of learned Single Judge and a direction be issued to hear the said matters afresh.

2. The Appellant cannot have any objection to this suggestion. After having perused the impugned order, we are satisfied that the suggestion made by learned counsel for first and second Respondents is reasonable and deserves to be accepted.

3. Hence, we pass following order :

(a) The impugned order dated 4 December 2012 is hereby quashed and set aside;

(b) Court Receiver's Report No.599 of 2012, Chamber Summons No.1243 of 2012 and Contempt Petition No.72 of 2008 in Suit No.2675 of 2006 are restored to the file of learned Single Judge;

(c) It will be open for the first and second Respondents to apply to the learned Single Judge for giving necessary priority to the hearing of the matters considering the fact that the contempt petition is of the year 2008;

(d) We are sure that if a case for giving priority is made out, the learned Single Judge will give necessary priority to the hearing of the matters;

(e) The appeal is partly allowed in above terms. There will be no order as to costs;

(f) All contentions of the parties are kept open. All pending Notices of Motion do not survive and stand disposed of accordingly.

(PD.NAIK, J.)

(A.S.OKA, J.)

MST