

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

ARBITRATION PETITION NO. 402 OF 2014

Supama Realtors LLP and others ... Petitioners
V/s.
Mulchand Kaluchand Ranka and others ... Respondents

Mr. Rajeev Kumar Senior Advocate a/w Mr. Kiran Jain
a/w Mr. Ish Jain for the petitioner.
Mr. Gaurav Joshi Senior Advocate a/w Mr. Piyush Raheja,
Mr. Satyen Vora, Mr. Sahil Gandhi i/b M/s Makrand Gandhi & Co.
for respondent nos. 1 to 3.
Mr. Shyam Mehta Senior Advocate, Mr. Kirit Munshi i/b
Thakore Jariwala & Associates for respondent nos. 4 to 8

CORAM : K. K. TATED, J.
DATED : 18/02/2016

PC.:

Heard learned counsel for all the parties.

2) This petition is under section 9 of the Arbitration and Conciliation Act, 1996 for an order of appointment of Court Receiver in respect of the suit property i.e. admeasuring 1.901.53 square meters bearing C.S. No. 287 of Malbar Hill Division and D, Ward Street No. 97, Walkeshwar Road, Mumbai along with structure as described in Exhibit A to the petition and injunction restraining the respondent from creating any third party right, title and interest till Arbitrator Tribunal decides the matter. All Advocates on record for parties given in writing

on Farad that they have no objection to appoint the Court Receiver in respect of the suit property and to protect the same. The Farad is taken on record and marked as article 'X' for the purpose of identification.

3) Hence, without giving reasons, by consent of all the parties, following order is passed.

(i) The Court Receiver is appointed in respect of the property admeasuring 1.901.53 square meters bearing C.S. No. 287 of Malbar Hill Division and D. Ward Street No. 97, Walkeshwar Road, Mumbai along with structure as described in Exhibit A to the petition to protect the property.

(ii) Court Receiver to take formal possession of property as described in Exhibit A to the petition.

(iii) The Court Receiver to appoint the security guard with consultation of the parties, at present, at the cost of petitioners.

(iv) It is made clear that the persons those who are visiting the Jain Temple and using access from this property will not be prevented.

(v) At present, in the facts of the present case, neither petitioners nor respondents are appointed as an agent of the Court Receiver.

(vi) All the parties are restrained by an order of injunction for

creating third party right, title and interest of the suit property as described in Exhibit A.

(vii) If order is not lodged with the Court Receiver within 4 weeks from today, ad-interim relief stands vacated without referring back to the court.

(viii) This order is passed without prejudice to the rights and contentions of the parties.

(ix) Petition stands disposed of accordingly.

(K.K.TATED, J.)