

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 890 OF 2014

IN
SUIT NO. 2082 OF 1988

State Bank of Patiala ... Applicant / Def. No. 1

IN THE MATTER BETWEEN :

Vaz Forwarding Pvt. Ltd. & Anr. ... Plaintiffs

Versus

State Bank of Patiala & Ors. ... Defendants

Mr. Sahil Saiyed i/b. Wadia Ghandy and Company for the Plaintiffs.

Mr. M.S. Doctor, Sr.Adv. a/w. Mr. Nimay Dave i/b. M/s. Bachubhai Munim & Company for the Applicant / Defendant No. 1.

Mr. Winstan Vaz – Director of the Plaintiff No. 1 present in person.

Ms. R. Gulekar, Section Officer from the office of the Court Receiver, present.

CORAM : S.J. KATHAWALLA, J.
DATED : 6TH JANUARY, 2016

P.C.

Heard the learned Advocates appearing for the parties and the following order is passed by consent :

1. The proposed works set out at page Nos. 45 to 49 annexed to the Affidavit in support of the above Notice of Motion shall be carried out by Defendant No. 1 under the supervision of the Court Receiver, Bombay High Court irrespective of whether he was earlier appointed as Receiver of the Suit property or not.
2. The Court Receiver shall be at liberty to appoint an independent Architect to assist him in the said supervision, if necessary.
3. The proposed works shall be carried out at the risk of Defendant No. 1.

4. Permission if required from the Corporation to carry out any particular work/s shall be obtained prior to commencement of such work/s.
5. The representative of the Plaintiff shall be at liberty to accompany the representative of the Court Receiver to the Suit premises once a month. However, in the event of any complaint / grievance, the representative of the Plaintiff shall not enter into any argument/s with the representatives of the Defendant No. 1 or the Court Receiver but shall move this Court with such complaint / grievance.
6. The Defendant No. 1 shall not claim any equity in its favour on the ground that it has spent a substantial amount to carry out the proposed interior works in respect of the Suit premises.
6. The Court Receiver shall submit his report to this Court qua the progress of the proposed works every eight weeks.

The Notice of Motion is accordingly disposed off.

(S.J.KATHAWALLA, J.)