

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 772 OF 2016**

Hotel Bhagat Tarachand ...Plaintiff
Versus
Mumbai Bhagats Tarachand and two others ...Defendants

Mr. Dhiren Karania, *i/b G.S. Hegde and V.A. Bhagat for the Plaintiff.*
Mrs. M.M. Salooja, *for the Defendant No.2.*
Mr. L.M. Bhatia, *Authorised Representative of Defendant No.2 present.*
Mrs. Kavita Ambekar, *Ind Assistant to Court Receiver is present.*

CORAM: G.S. PATEL, J
DATED: 7th October 2016

PC:-

1. There is a service report. The 2nd Defendant's authorised representative, Mr. L. M. Bhatia, is present pursuant to the service of summons on the 2nd Defendant. He is represented by Ms Salooja. She undertakes to have a vakalatnama filed on or before 14th October 2016.

2. Mr. Bhatia instructs Ms. Salooja to state that his son is the owner of the premises that were given on leave and license to the 1st and 3rd Defendants. Service is not been effected on the 1st and 3rd Defendants. They are said to have left the premises. He also

confirms that in those premises, earlier given on leave and license, no activity of a restaurant is being carried out. The premises are locked. The Receiver has put his board. Possession is with Mr. Bhatia's son, the 2nd Defendant. These statements are accepted.

3. As regards the question of payment ordered to charities by the order of 12th August 2016, in view of Mr. Bhatia says today, that order will operate as a decree only against Defendants Nos. 1 and 3. It is clarified that neither the Defendant No.2 nor its partners / proprietors are liable to pay these costs. Drawn up decree dispensed with. The Plaintiffs may put into execution the previous order of 12th August 2016 against Defendants Nos. 1 and 3, as read with and as modified by the present order as against Defendant No.2.

4. Mr. Bhatia states that goods sealed and seized by the Court Receiver are kept outside the premises. Mr. Karania will be at liberty to move the Court Receiver for fixing a date for destruction of those items. Mr. Bhatia and the 2nd Defendant will be given advance notice of the arrival of the Court Receiver.

5. Mr. Karania confirms that the applications for registration of trade marks by Defendants Nos. 1 and 3 have been abandoned.

6. Mr. Bhatia's further presence in Court is not required. The summons and notice issued to the 2nd Defendant stand discharged.

7. The matter is disposed of in these terms.

(G. S. PATEL, J.)