

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

**CHAMBER SUMMONS NO.1021 OF 2015
IN
ARBITRATION PETITION NO.611 OF 2015**

State Bank of India SARB Branch .. Applicant

In the matter of :

Mr. Sanjay M. Jadhav .. Petitioner

V e r s u s

Mr. Moobarak Vaid Patel .. Respondent

And

State Bank of India SARB Branch .. Applicant

Mr. Ketan Chothani with Lalitkumar Jain i/b Lalitkumar Jain & Co., for the Applicant in C.S.No.1021 of 2015.

Mr. Ashash Gupta i/b MRK Law Associates for Respondent in C.S.No.1021 of 2015

Mr. R.R. Verma i/b A.M. Sarogi for Petitioner in Arbitration Petition No.611 of 2015.

CORAM : K.K. TATED, J.

DATE : 18 FEBRUARY 2016.

P.C. :

1 This Chamber Summons No.1021 of 2015 is taken out of turn, at the request of learned Counsel appearing for the Applicant.

2 Heard both the parties.

3 Mr. Verma, the learned Counsel appearing for the Petitioner as well as Mr. Gupta, the learned Counsel appearing the Respondent submit that

they have no objection, if the Chamber Summons is made absolute in terms of prayer clause-(a). Hence, by consent of both the parties, the following order is passed.

: O R D E R :

{A} Chamber Summons is allowed in terms of prayer clause-(a), which reads thus :

“that this Hon'ble Court be pleased recall order dated 18 March 2015 appointing Court Receiver and further order dated 10 June 2015 issuing directions to the Court Receiver in Arbitration Petition No.611 of 2015 in respect of property being Plot No.28, admeasuring area 7146 (Total Built up area) including Plot of Land and Building Name as Mahendra Tower constructed on Plot No.28 lying & situated at Sector-28 Vashi, Navi Mumbai, mortgaged with the Applicant Bank and be pleased to further order that the Court Receiver be discharged without passing accounts forthwith and possession of the mortgage to be handed over to the Authorised Officer of the Applicant.”

{B} The Court Receiver is discharged only after payment of his all charges without passing any accounts.

{C} In case, the Petitioner fails to pay the Court Receiver's charges, liberty granted to State Bank of India to pay the same.

- 4 Parties to act on an authenticated copy of this order.
- 5 Chamber Summons is disposed of.

(K.K. TATED, J.)