

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

**CHAMBER SUMMONS NO.1645 OF 2016
WITH
NOTICE OF MOTION NO.565 OF 2016
IN
SUIT NO.372 OF 1967**

Mr.Manohar Bansi ChawanApplicant

IN THE MATTER BETWEEN :

Shanti Devi w/d of Manoharlal ChanderbhanPlaintiff

V/s.

Kewalram Mulchand & Anr.Defendants

Ms.Vandana P.Santara for the applicant.

Ms.Deepti Panda i/by Narayanan & Narayanan for the defendant no.2(b).

**CORAM : K.R.SHRIRAM,J
DATE : 25.11.2016**

P.C.:-

NOTICE OF MOTION NO.565 OF 2016

1 The Suit No.372 of 1967 has already been settled and disposed. The applicant took out Notice of Motion No.565 of 2016 against the Court Receiver and prayed for a direction to the Court Receiver to restore possession of shop premises situated at 299-301, Narshi Natha Street, Kharak Bazar, Masjid Bunder, Mumbai-400 009, to the applicant's father. Under the order passed while disposing the suit based on consent terms filed, the said property was to go to defendant no.2B and other legal heirs of original defendant nos.1 &

2. The applicant in this Notice of Motion and defendant no.2B have amicably settled the matter inter se and have tendered minutes of order dated 25.11.2016. The counsel requests that order in terms of minutes of order be passed and the Notice of Motion accordingly be disposed.

2 The minutes of the order signed by the applicant, defendant no.2B and their respective advocates is taken on record and marked 'X' for identification.

3 Order in terms of minutes of order. Notice of Motion accordingly stands disposed.

4 The applicant has also filed an affidavit through his Constituted Attorney Mr. Bansi Gangaram Chavan affirmed on 12.11.2016. The same is taken on record and marked 'X1' for identification. The statement of the advocate for the applicant that the contents of the affidavit have been personally interpreted and explained by her, is accepted. Undertaking given in the said affidavit is accepted and so ordered.

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5 In view of the order passed above, the applicant seeks

leave to withdraw the Chamber summons. Chamber summons dismissed as withdrawn.

6 The counsel for the defendant no.2B states that they have handed over a pay order of Rs.20,25,000/- to the advocate for the applicant and the advocate for the applicant confirms having received the same. The advocate for the applicant further informs the Court that the pay order has been handed over to the applicant's Constituted Attorney Mr.Manohar Bansi Chavan.

7 In view of the above order, the Court Receiver Report No.233 of 2016/D-Group also stands disposed without passing of account. The Court Receiver to hand over the keys only upon his charges being paid.

(K.R.SHRIRAM,J)