

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

**NOTICE OF MOTION NO.225 OF 2016
IN
SUIT NO.1099 OF 2015**

Churchgate Investments & Trading Co. Pvt. Ltd.Plaintiff

V/s.

C. Mahesh & Ors.Defendants

Mr. Dipan Merchant a/w. Mr. Gaurav Jangle i/b. I.V. Merchant & Co.
for the plaintiff.

None for the defendants.

CORAM : K.R.SHRIRAM,J

DATE : 29th SEPTEMBER, 2016

P.C.:-

1 At the outset in the order dated 8th September, 2016, in paragraph 2, the word “direction” to be corrected to read as “instructions”.

2 Rest of the order remains unaltered. The corrections to be incorporated in the original order.

3 At the ad-interim stage, this court has by an order dated 4th August, 2016 recorded that the defendant no.1 has admitted that an amount of Rs.48 lakhs is due and payable as on that date to regularize the account and undertook to pay an amount of

Rs.15,61,000/- to the plaintiff on or before 2nd August, 2016. This amount, Mr. Merchant states has not been paid. The Court Receiver has already been appointed vide a order dated 4th August, 2016. The Court Receiver has also taken symbolic possession for the moment.

3 The Court Receiver to take physical possession with all powers under Order XL Rule 1 of the Code of Civil Procedure, 1908. Should the Court Receiver need any police assistance, the Court Receiver is free to seek assistance and the concerned Police Station to assist the Court Receiver.

4 The notice of motion accordingly stands disposed.

(K.R.SHRIRAM,J)