Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.921 OF 2014

Salma Asgarali Makati & ors …Appellant
Versus
Raj Bucket Factory & Ors …Respondents

Mr Amit D Joshi, *for the Appellant.*
Mr Bakir S Pachorawala, *Appellant No.2.*
Mr Shabbir Pachorawala, *Respondent No.2.*
Ms Vrushali Kabne, *for Respondent No.1.*

CORAM: G.S. PATEL, J
DATED: 3rd August 2017

PC:-

1. The matter is listed for speaking to the minutes. Specifically the sentence in paragraph 3, line 6, of the order of 12th July 2017 is required to be corrected. The sentence in question read thus:

> "The Court Receiver will hand back possession of the entire premises to the 1st Respondent – firm (Defendant No.3 in the suit)."

2. There was some controversy regarding expression "the entire premises". There are four properties in question. One of these at Khar, the other is at Ghodbandar road, the third is in Bambrud, Pachora, District Jalgaon and the fourth property is at Byculla.

3. I am informed that as regards the property at Pachora there is or was a separate Civil Suit. The order of 12th July 2017 will, therefore, not to apply to the Pachora property. I am informed that Suit has been withdrawn without liberty. The Defendant No.3 will be at liberty to take such steps as are available to it in law in regard to that property.

4. A statement of the properties in question signed by the Advocates for the Appellant and the 1st Respondent as also by the 2nd Appellant and the 2nd Respondent, is tendered. This is taken on record and marked **'X'** for identification with today's date.

5. The direction in the paragraph 3 of the 12th July 2017 order will therefore apply in respect of the Khar property, the Ghodbandar property and the Byculla property, and will read thus:

> "The Court Receiver will hand back possession of the Khar property, the Ghodbandar property and the Byculla property as described in the list tendered to court to the 1st Respondent – firm (Defendant No.3 in the suit)."

6. It is also noted that there are properties at Pachora of which the Receiver is not appointed.

7. Defendant No.1 (Respondent No.2 to the Appeal) is the sole surviving partner of the firm. The second sentence of paragraph 5 of the order is to be corrected to be read thus:

> "He is sole surviving partner of the original partners of the firm."

(G. S. PATEL, J.)