

SHEPHALI

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1032 OF 2016
IN
SUIT NO. 1462 OF 2008

Kamal Ashok Chainani ...Plaintiff
Versus
Radha Kishan Construction & Ors ...Defendants

Mr Shyam Dewani, *an/ Mr Chirag Chanani & Mr R Thakkar, for*
the Applicant/Plaintiff.
Mr Ketan Rakesh, *for the Defendant No. 6.*

CORAM: G.S. PATEL, J
DATED: 6th February 2017

PC:-

1. It is common ground that the 6th Defendant is in possession of the Suit property as an agent of the Receiver. The property is thus clearly *custodia legis*. This is not disputed by Mr Dewani for the Plaintiff.
2. Prayer (a) of the Notice of Motion seeks a restraint against the 6th Defendant and the other Defendants from creating any third party rights. Now that the property is in custody of the Court and the Receiver is appointed of it, this relief is unnecessary.

3. The Notice of Motion is dismissed as withdrawn. There will be no order as to costs.
4. Liberty to the Plaintiff to apply, should there be any change in circumstances.

(G. S. PATEL, J.)