

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

**NOTICE OF MOTION NO. 29 OF 2015
WITH
NOTICE OF MOTION NO. 828 OF 2016
WITH
NOTICE OF MOTION NO. 833 OF 2016
IN
SUIT NO. 964 OF 2014**

Amani Naved Ansari .. Plaintiff
Vs.
Hehjebin Affan Kazi & Anr. .. Defendants

Mr.Nimay Dave a/w. Ms.Dhanashree Gaitaiwari i/b M/s. Bilawala & Co. for plaintiff.

Mr.M. Saeed Kadu for defendant nos.1 and 2.

**CORAM : K.R.SHRIRAM, J.
DATE : 27TH APRIL, 2017**

P.C.

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1 The plaintiff/applicant is seeking appointment of receiver with respect to Flat No.9A, Basant Mahal, Barkat Ali Dargah Road, Next to Hariyali Hotel, Wadala (East), Mumbai 400 037 (the said flat) because according to the plaintiff, the defendants have locked the premises and they are not letting the plaintiff to come and reside or use the premises. Mr.Dave states that the plaintiff's personal documents and possessions such as College certificates, school leaving certificate etc.etc. are in the said flat.

2 Mr. Kadu appearing for defendant nos.1 and 2 states that the plaintiff has never been prevented from entering into the said flat. The plaintiff has one set of key and one out of the two bedrooms is in the possession of the plaintiff and the plaintiff has kept the said room locked. Mr.Kadu also states that the common areas including drawing room and kitchen is being used by the plaintiff as well. Mr.Kadu states that the defendants have never objected the plaintiff from using the room which is used by the plaintiff and the common areas.

3 Mr.Dave, on instructions, states that his client does not have the keys to the room which is allegedly in the possession of the plaintiff as stated by Mr.Kadu. Mr.Dave, therefore, seeks leave to get a locksmith to open the room and change the lock, if necessary. Mr.Kadu for defendant no.1 and 2 states defendant nos.1 and 2 will have no objection if that is done.

4 It is also clarified that if the lock on the main door has been changed, the defendants will provide one set of keys to the plaintiff and if the lock has only two keys, then the plaintiff is permitted to make duplicate keys made out of the key that is with the defendants and for that the defendants shall give their key to the plaintiff.

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5 Mr.Kadu states that due to oversight, reply was not filed and undertakes to file affidavit in reply and serve a copy thereof upon the plaintiff's advocate within two weeks.

6 Mr.Dave for the plaintiff and Mr.Kadu for the defendant nos.1 and 2 state that since this is a family dispute, they are ready and willing to go for mediation.

7 Ms.Armin Wandrewalla, an advocate practicing in this Court is appointed as Mediator to mediate on all disputes including the dispute in this suit between the plaintiff and the two defendants. The fees and administrative expenses of the Mediator to be shared equally between the parties, i.e., 1/3rd each by the plaintiff, defendant nos.1 and defendant no.2.

8 The Mediator to endeavor to complete mediation and submit report by 30th June 2017.

9 The suit and the pending notices of motion be listed for directions on 7th July 2017.

(K.R. SHRIRAM, J.)