

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO.153 OF 2008
IN
SUMMARY SUIT NO.3828 OF 1998
WITH
SHERIFF'S REPORT NO.1511 OF 2016**

Dinaz Adi Bharucha ... Applicant/Plaintiff
versus
Rajendra P. Ashar and Ors. ... Defendants

Mr. Tushar Gujjar with Mr. Aamir Farooqui i/by Mr. Rajiv Mane, for Plaintiff.
Mr. Sanjiv Mishra for Defendant No.1.
Mr. U.S.Upadhyay, AGP for Collector of Stamps, Andheri.
Mr. Chitgopikar, Dy. Sheriff of Mumbai, present.

CORAM: S.J. KATHAWALLA, J.

DATE: 1ST MARCH, 2017

P.C.:

1. Heard the learned Advocates for the parties and the following order is passed :

(i) The Defendants undertake to handover vacant possession of the suit flat i.e. A-75 to the Plaintiff on or before 04-03-2017 by 1.00 p.m.

(ii) In case of breach of the undertaking on the part of the Defendants, the Court Receiver, High Court, Bombay, shall forthwith stand appointed as Receiver in respect of the said flat No.A-75. The Court Receiver shall take forcible possession of the suit flat and handover the same to the Plaintiff.

(iii) The Prothonotary and Senior Master shall issue confirmation certificate in

favour of the Plaintiff on or before 04-03-2017.

(iv) The Plaintiff undertakes within a period of two weeks from today, to withdraw the complaints filed against the Defendants i.e. a complaint under Section 138 of the Negotiable Instruments Act and a complaint filed before the Institute of Chartered Accountants, New Delhi. The undertaking is accepted.

(v) In view of the above, the Execution Application is disposed of. Sheriff Report No.1511 of 2016 also stands disposed of.

(vi) Attachment in respect of flat Nos.A-72 and A-75 are raised.

(S.J.KATHAWALLA, J.)