

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

**NOTICE OF MOTION NO.2193 OF 2016
IN
SUIT NO.55 OF 1997**

Mrs.Sushma Sadanand Vast)....Applicant

In the MATTER BETWEEN :

Atul Himmatlal Trivedi)....Plaintiff

V/s.

Sushma Virendra Pal Verma)....Defendant

And

Court Receiver, High Court, Bombay)....Respondent

None for plaintiff.

None for defendant.

Mr.R.M.Adyanthaya i/by R.K.Shetty for the applicant.

Ms.V.S.Awsare-2nd Assistant to Court Receiver present in Court.

**CORAM : K.R.SHRIRAM,J
DATE : 7.8.2017**

P.C.:-

1 This Notice of Motion is taken out for discharge of the Court Receiver appointed pursuant to an order dated 18.10.2002 in respect of the applicant's flat no.303, 3rd floor, of building no.3 in respect of the suit property. An affidavit of service is also filed of one Laxmikant Kamble affirmed on 7.8.2017 confirming service upon the Court Receiver as well as Advocate for the plaintiff. Affidavit is taken on record.

2 It appears that Court Receiver and the plaintiff's advocate were served on 6.9.2016 and no affidavit in reply has been filed opposing the application. Court Receiver's office are unable to say anything beyond stating 'please give us time'. Court Receiver and the plaintiff have had almost one year to respond.

 Therefore, I am inclined to allow the Notice of Motion and the same is hereby allowed in terms of prayer clause-(a).

 At the same time, this order passed today to take effect after four weeks.

3 At this stage, Mr.Shetty appearing for applicant states that the advocate on record Mr.R.D.Suvarna has expired and the Notice of Motion was served upon his assistant Ms.Deepa Bajaj. Therefore, a copy of this order be served upon Ms.Deepa Bajaj and also on the plaintiff by the registry. The applicant also to serve copy of this order upon the plaintiff as well as Ms.Deepa Bajaj within two weeks.

 Notice of Motion disposed accordingly.

(K.R.SHRIRAM,J)