

Manjit Singh Virdi	...	Applicant
<u>IN THE MATTER OF</u>		
Mrs. Hemali Parag Mehta & Anr.	...	Plaintiffs
V/s.		
M/s. Ayyappa Construction Company & Anr.	...	Defendants
And		
The Court Receiver,		
High Court, Bombay	...	Respondent

Mr. Ashutosh Shukla for the Applicant
Mr. Simil Purohit a/w. Mr. Manish Doshi i/b. M/s. Vimadalal & Co., Advocates for
the Plaintiffs
Mr. Vinod Pande for Defendant Nos.1 and 2.

CORAM : S.J. KATHAWALLA, J.
DATE : 13TH DECEMEBR 2017

P.C.

1. Heard the parties.
2. The present Suit is filed by the Plaintiffs for recovery of Rs.15,71,32,000/- and for consequential reliefs. However, the Applicant claims to be the assignee of plot of land bearing Nos.338A, 355A, 355B, 368 and 368A in Jawahar Nagar CHS Limited, Off. Road No.1, Jawahar Nagar, Goregaon (West), Mumbai 400

062 from Defendant Nos.1 and 2. Mr. Vinod Pande, learned advocate appearing for Defendant Nos.1 and 2 disputes the rights claimed by the Applicant.

3. The Applicant is not a party to the above Suit and by the present Chamber Summons is seeking to set aside the consent decree dated 28th October 2015 passed by this Court in the disputes between the Plaintiffs and Defendant Nos.1 and 2. Since the consent decree dated 28th October 2015 is already been set aside by the Appeal Court vide its order dated 12th August 2016, none of the reliefs sought for in the present Chamber Summons filed by the Applicant, survives. Even otherwise, since the present Suit is a money Suit, the rights of the Applicant as claimed, if any, cannot be adjudicated in the present proceedings.
4. In light of the aforesaid, the present Chamber Summons does not survive and is disposed of. It is clarified that this Court has not gone into the merits of the case of the Applicant.

(S.J. KATHAWALLA, J.)