

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.7 OF 2010

IN

NOTICE OF MOTION NO.4343 OF 2006

Lilam Arvind Vora & Anr. ... **Appellants**

V/s.

M/s.M.B.Associates & Ors. ... **Respondents**

.....

Mr.Rupesh Geete with Mr.Anand Chouatia i/b. Mr.Yogesh Adhia,
Advocate for the Appellants.

....

**CORAM : ANOOP V. MOHTA J.
A.M.BADAR J.**

DATED : 8th FEBRUARY 2017.

ORAL JUDGEMENT : (PER ANOOP V. MOHTA J.)

1 Called out from final hearing board.

2 Rule. Rule returnable forthwith. By consent, heard
finally.

3 The learned counsel appearing for the respondent on
instructions makes a statement that suit No.3411 of 2006 itself

dismissed for want of prosecution. The appeal is arising out of Notice of Motion No.4343 of 2006 filed in the said suit, whereby the learned Judge after hearing the parties and considering the material, as well as, submissions so raised, refused to grant any prayer for appointment of receiver. The appeal against such interlocutory order is pending since 2010.

4 In view of the fact that the suit itself is disposed of, we are inclined to dispose of this appeal also. However, liberty is granted to apply for restoration if suit is restored.

5 Appeal is disposed of accordingly.

6 Rule stands discharged.

7 No costs.

(A.M.BADAR J.)

(ANOOP V. MOHTA J.)