

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9081 OF 2017

Pranlal Z. Doshi, since deceased
through His L.Rs. - Smt.Champaben P. Doshi & Ors. ...Petitioners
V/s.
State of Maharashtra & Ors. ...Respondents

WITH
CIVIL APPLICATION NO.507 OF 2018
IN
WRIT PETITION NO.9081 OF 2017

Pune Municipal Corporation ...Applicant

IN THE MATTER BETWEEN :

Pranlal Z. Doshi, since deceased
through His L.Rs. - Smt.Champaben P. Doshi & Ors. ...Petitioners
V/s.
State of Maharashtra & Ors. ...Respondents

Mr.Ram S. Apte, Senior Counsel I/b Mr.Purushottam G. Chavan for
the Petitioners.

Mr.R.P. Kadam, A.G.P. for the State – Respondent No.1.

Mr.S.B. Talekar with Ms.Madhavi Ayyappan and Mr.Rahul Agarwal I/b
Talekar & Associates for the Respondent No.2 and for the Applicant
in the Civil Application.

CORAM : R.D. DHANUKA, J.
DATE : 15TH OCTOBER, 2018.

P.C. :-

1. Learned counsel for the parties agree that this writ petition can be disposed of without recording any reasons. The statement is accepted. Heard learned counsel for the parties at length. The following is passed :-

a). The Court Receiver, High Court, Bombay is appointed in respect of the suit property. The Court Receiver shall take physical possession of the suit property within one week from the date of communication of this order.

b). The parties to Regular Civil Appeal No.411 of 2012 shall not claim any equities on the basis of this order.

c). The Court Receiver shall protect the suit property. The Tin Compound and Security Shed will be retained and utilized by the Court Receiver for the protection of the suit property.

d). The appointment of the Court Receiver will be without prejudice to the rights and contentions in Regular Civil appeal No.411 of 2012 pending on the file of Hon'ble District Judge – 14, Pune.

e). All contentions in Regular Civil Appeal No.411 of 2012 pending before the Hon'ble District Judge – 14, Pune are kept expressly open.

f). The appointment of Court Receiver will continue till hearing and the final disposal of Regular Civil Appeal No.411 of 2012 pending before the Hon'ble District Judge – 14, Pune and for a period

of four weeks from the date of communication of the judgment that would be passed by the First Appellate Authority.

g). The fees and expenses of the Court Receiver to be borne by the respondent no.2 at the first instance. The Court Receiver would be at liberty to appoint the security staff to protect the suit property during the pendency of the said Regular Civil Appeal No.411 of 2012 and for a period of four weeks from the date of communication of the order. If any security guards are deployed by the learned Court Receiver, the fees and expenses of such security guards also shall be borne by the respondent no.2 at the first instance.

h). Hearing of the appeal is expedited. Learned District Judge shall make an endeavor to dispose of the said Regular Civil Appeal No.411 of 2012 expeditiously and not later than six months from the date of communication of this order. During the pendency of the said appeal and for a period of four weeks thereafter, none of the parties shall create any third party rights in respect of the property in question.

2. The writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

3. In view of disposal of the writ petition, the Civil Application No.507 of 2018 does not survive and is accordingly disposed of.

4. All the parties as well as the learned Court Receiver, High Court, Bombay and the learned District Judge – 14, Pune to act on the authenticated copy of this order.

Vasant
Anandrao Idhol

Digitally signed by
Vasant Anandrao Idhol
Date: 2018.10.17
18:04:47 +0530

(R.D. DHANUKA, J.)