

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 1005 OF 2015  
WITH  
CIVIL APPLICATION NO. 1231 OF 2015**

|                            |     |            |
|----------------------------|-----|------------|
| Mohammed Siddique s/o. Ali |     |            |
| Mohamed Mitha & Anr.       | ... | Appellants |
| V/s.                       |     |            |
| Abdul Aziz Usman Mitha     | ... | Respondent |

- Mr.Abdul r. Shaikh for the Appellants.
- Mr.Yusuf Iqbal a/w. Mr.Ashish Ved, Ms.Shaista Pathan, Mr.Feroj Qureshi i/b. Yusuf & Associates for the Respondent.

**CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.**

**DATE : 24<sup>th</sup> SEPTEMBER, 2018.**

**P.C. :**

1] Heard learned counsel for the Appellants and learned counsel for the Respondent.

2] This Appeal is directed against the order dated 07/05/2015 passed by the City Civil Court, Mumbai, thereby rejecting the prayer made in the Notice of Motion No.1927 of 2012 filed in Suit No.2820 of 2012 for appointment of Court Receiver to take possession of the suit premises on the ground that the suit premises are locked and being damaged, the Appellant may be appointed as a agent of the Court Receiver to take possession and to enjoy the possession thereof.

3]           However, considering that the impugned order is passed by the trial Court on 07/05/2015 and now it is already September 2018 i.e. more than 3 years had lapsed and the suit before the trial Court is fixed for “hearing” and the “Affidavit of evidence” is also filed, therefore, it would be in the fitness of things that instead of entering into the merits of the order passed by the trial Court, if the trial Court is directed to decide the suit itself as expeditiously as possible.

4]           Accordingly, the Appeal is disposed off with direction to the trial Court to decide the Suit as expeditiously as possible, provided both the parties extend co-operation.

5]           In view of disposal of the Appeal, nothing survives in the Civil Application, hence stands disposed off.

**[DR.SHALINI PHANSALKAR-JOSHI, J.]**