

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
MISCELLANEOUS PETITION (L) NO. 476 OF 2018

The Administrator General, Maharashtra State	...Petitioner
<i>Versus</i>	
Poonam Verma & Ors	...Respondents
<i>And</i>	
Sam C Banatwala	...Deceased

Mr Amar Mishra, *AGP, for the Petitioner.*
Mr SG Adake, *Administrator General, Maharashtra State, is present.*
Mrs Prachi K, *i/b MP Vashi & Associates, for Respondent No. 2.*

CORAM: G.S. PATEL, J
DATED: 18th April 2018

PC:-

1. On this Miscellaneous Petition brought by the Administrator General under the Administrators General Act 1963 I am inclined to make an order in terms of prayer clause (f), which reads thus:

“(f) the Petitioner be allowed to represent and conduct the hearing of both the pending Civil Suits bearing No. 8787 of 1994 (HC Suit No. 3256 of 1994) and 8448 of 1995 (HC Suit No. 1271 of 1995) before the Hon’ble Bombay City Civil Court being the administrator of estate of the deceased under Section 10 of the Administrators General Act 1963;”

2. It is common ground that in one of these two pending Suits before the Bombay City Civil Court, a Receiver has been appointed. The learned Administrator General also accepts this and this is evident from the framing of prayer clause (b) itself. The submission by the learned Administrator General Mr SG Adake is that there are assets that should be brought into Receivership. This application is made under Section 10 of the Administrators General Act 1963 and pertains to properties that are in excess of those to which the Bombay City Civil Court suits relate. If the learned Administrator General in the course of discharge of his duties finds that there are any other assets in the estate of the deceased Sam Banatwala that require to be protected, liberty to the learned Administrator General to make an appropriate application either to this Court under the Administrators General Act 1963 or to the Bombay Civil Civil Court, as the case may be.

3. The Petition is disposed of in these terms. There will be no order as to costs.

4. I would request the Bombay City Civil Court to give some priority to the disposal of the two suits since they have been pending for some time. This is of course subject to other work assignments of higher priority.

(G. S. PATEL, J)