

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL No. 218 of 2018
IN
NOTICE OF MOTION (Lodging) No. 32 of 2018
IN
TESTAMENTARY SUIT No. 166 of 2013
IN
TESTAMENTARY PETITION No. 89 of 2013
WITH
NOTICE OF MOTION No. 453 of 2018
IN
APPEAL No. 218 of 2018

State of Maharashtra and Anr	..Appellants.
Vs	
Amresh J. Divecha and 4 Ors	..Respondents.

Ms. Geeta Shastri, Addl.G.P. for the appellants.
Mr. F. Dubash i/by Vigil Juris for Respondent No.1.
Mr. Sridhar Chari a/with Mr. Preet Chheda i/by DSK Legal for Respondent No.2.
Dr. Birendra Saraf a/with Mr. Murtuza Federal, Mr. Mubashir Sayed, Ms. Spenta Havewala I/by M/s Federal Rashmikant for Respondent Nos. 4 and 5.
Mr. D. K. Patil, S.O. Court Receiver present.

CORAM : NARESH H. PATIL &
G.S. KULKARNI, JJ.
DATED : 3rd July, 2018.

P.C. :

- 1) Heard the learned Counsel for the respective parties.
- 2) The learned Counsel appearing for the Court Receiver submits that within a week's time appropriate application will be moved before the

Collector, Mumbai City along with proper documents. On receipt of such an application from the Court Receiver, the parties shall appear before the Collectorate/Designated Officer and submit the required information. If required, the Collector may hear the parties orally so as to assess and appreciate the matter. Thereafter, the Collector shall determine the transfer charges within a week's time.

3) The learned Counsel appearing for respondent Nos. 4 and 5 submits that no sooner transfer charges are communicated, same will be paid according to the agreement. This exercise shall be completed by the Court Receiver and the Collector within 15 days from today. The learned Counsel appearing for the appellants prayed that in the facts of the case, observations made by the learned Single Judge in paragraphs 7 and 8 be set aside.

4) In view of the facts of the case and the statements recorded by the contesting parties as above, the request made by the learned AGP deserves consideration. Thus, the observations in the directions issued in paragraphs 7 and 8 of the impugned order are set aside.

5) The appeal is partly allowed in the aforesaid terms.

6) Initially, the parties to appear before the Collector on 12th July, 2018 at 11:00 a.m. After compliance of all the formalities and deposit of

transfer charges, the document be taken up for registration in accordance with law.

7) Learned AGP to communicate the order to the Collector and brief the Collector accordingly.

8) In view of disposal of the appeal, nothing survives for consideration in the Notice of Motion. Notice of Motion No. 453 of 2018 is disposed off accordingly.

9) The parties to act on an authenticated copy of this order.

(G.S. KULKARNI,J)

(NARESH H. PATIL, J.)