

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1152 OF 2017
IN
SUIT NO. 450 OF 2009

Dinshaw K Jassawalla & Ors	...Applicants
<i>In the matter between</i>	
Dinshaw K Jassawalla & Ors	...Plaintiffs
<i>Versus</i>	
Porras Dinshaw Jassawalla & Ors	...Defendants

Mr Sushrut Desai, *with Ruchit Dave, i/b Vigil Juris, for the Plaintiffs.*
Mr VJ Makhija, *with SM Sharma, for the Defendants.*
Ms MM Raut, *Section Officer, Court Receiver present.*

CORAM: G.S. PATEL, J
DATED: 6th June 2018

PC:-

1. Notice of Motion No. 1152 of 2017 is filed by the Plaintiff. A report was ordered as to the condition of the disputed flat no.7 in the building known as Ahura at 762, Mancherji Joshi Road, Parsee Colony, Dadar (East), Mumbai 400 014. Mr Harshad Maniar, a chartered engineer on the panel of this Court, submitted his report pursuant to my order dated 1st February 2018. I note that the report describes the flat, its layout, gives its measurements and dimensions

and annexes a sketch plan and photographs. All of this is in consonance with my order my 1st February 2018. The report having been obtained by the Plaintiff, it is now for the Plaintiff to have this report marked in evidence in the manner prescribed by law for the purposes of the trial of the Suit.

2. This disposes of Notice of Motion No. 1152 of 2017. The Plaintiff has led the evidence of 1st witness. That cross-examination is complete. The Plaintiff is now at liberty to led the evidence of either Mr Maniar or such other witness as the Plaintiff thinks fit. Till then the present report will be kept on file and for safety kept in a sealed cover with the present papers.

3. The Court Receiver stands discharged without passing any accounts but on payment of its costs, charges and expenses by the Plaintiff.

(G. S. PATEL, J)