

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
SUIT (L) NO.408 OF 2017
WITH
NOTICE OF MOTION (L) NO.1436 OF 2017
AND
NOTICE OF MOTION (L) NO.72 OF 2018**

Ratilal Mansion Co-op. Hsg. Soc. Ltd. And Ors. ... Plaintiffs
versus
Orbit Corporation Ltd. And Ors. ... Defendants

Mr. Ravi Gadagkar i/by Ms. Usha Gadagkar, for Plaintiffs.
Mr. Rohit Gupta, for Official Liquidator.
Mr. R.Y.Sirsikar, for MCGM.
Ms. Sayli Apte i/by Mr. P.G.Lad, for MHADA.

CORAM: S.J. KATHAWALLA, J.

DATE: 6th JUNE, 2018

P.C.:

1. Since the Plaintiffs have terminated the Agreement dated 29-10-2009 executed by and between the Plaintiffs and Defendant No.1 and the Official Liquidator has accepted the said termination, the Suit which is filed for specific performance of the said Agreement dated 29-10-2009, has become infructuous. As regards the Plaintiffs claim against Defendant No.1 for damages etc., the Plaintiffs are granted liberty to file their claims with the Official Liquidator, which the Official Liquidator shall decide on its own merits. The above Suit is accordingly disposed off. Refund of Court Fees, if any, as per rules. The above Notices of Motion also stand disposed of.

2. It is clarified that the possession of the suit property shall now be with the Plaintiffs. The original documents qua the suit property which are handed over by the Director of the Defendants to the official Liquidator, shall now be handed over by the Official Liquidator to the Advocate for the Plaintiffs.

(S.J.KATHAWALLA, J.)