

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**CHAMBER SUMMONS NO. 1257 OF 2000**  
**IN**  
**EXECUTION APPLICATION NO. 58 OF 1992**  
**IN**  
**SUIT NO. 144 OF 1975**

|                           |                |
|---------------------------|----------------|
| Mahlinga V Shirguppi      | ...Plaintiff   |
| <i>Versus</i>             |                |
| Edna Sanjay Gomes & Ors   | ...Defendants  |
| <i>And</i>                |                |
| Lilabai M Shirguppi & Ors | ...Applicants  |
| <i>Versus</i>             |                |
| Devilal A Jain & Ors      | ...Respondents |

---

**None, for the Applicant.**

**Mr Kirit Mody, i/b S Pathak & Company, for Respondent No. 8.**

**An Advocate, i/b Pradeep Havnur, for Respondents Nos. 9, 16, 33 to 39, 41 to 46.**

---

**CORAM: G.S. PATEL, J**

**DATED: 25th June 2018**

**PC:-**

1. The Chamber Summons has been pending for 18 years without any reason. It is thoroughly misconceived. It lists 46 Respondents and says that they are liable to be evicted by the Court

Receiver because they are obstructionists. This is not a Chamber Summons filed by the Decree Holder at all. The Applicants claim to be the heirs of legal representatives of the original Decree Holder - Plaintiff. Even if that is so, and I will presently turn to why that is unlikely to be so, the suit having been decreed in the original Plaintiff's lifetime such an application is not maintainable. The decree itself would need to be first amended or corrected. That decree is of 1982.

2. In any case, it seems that the Plaintiff Decree Holder in his lifetime assigned his rights to Veema Land Developers Pvt Ltd. This is also to the knowledge of the present Applicants because they have also been joined as Applicants in another set of Chamber Summonses filed by the heirs of original Respondent No. 33. Thus, if the Original Decree Holder assigned his rights to Veema Land Developers Pvt Ltd, there is no executable decree in the hands of the Plaintiff - Decree Holder.

3. In any case, the Applicants claiming to be the heirs of the Plaintiff are not present in Court today. The Chamber Summons cannot be adjourned like this indefinitely. I notice that the Applicants were unrepresented on several previous occasions going back to October 2017 or even earlier.

4. The Chamber Summons is dismissed.

**(G. S. PATEL, J)**