

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 2050 OF 2017
IN
SUIT NO. 2922 OF 2010

Nagindas M Goradia & Anr	...Applicants
<i>In the matter between</i>	
Aum Shyam Constructions	...Plaintiff
<i>Versus</i>	
Nagindas M Goradia & Anr	...Defendants

Mr Ravindra V Sankpal, *i/b RV Sankpal & Associates, for the Applicants.*
Ms Anjali Trivedi, *for Defendant No.3.*
Ms Kavita Ambekar, *Ist Assistant to Court Receiver.*

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

PC:-

1. The Court Receiver has filed a Report No. 231 of 2018. This is pursuant to my order of 25th July 2018. The Court Receiver visited the premises on 1st August 2018. The report says that the secretary of the 1st Defendant-society opened Flat No. 703. This is a one bedroom flat with total carpet area of approximately 460 sq ft. Other than two cupboards and one table there is nothing else in the flat. These items belong to the society. The Court Receiver has

taken symbolic possession of the flat from the secretary of the society.

2. Since the Defendants Nos. 1 and 2 are the allottees of the Flat No. 703, there can be no difficulty in putting them in possession of this flat as agents of the Court Receiver without royalty or security. They will, however, be required to pay all society's charges and outgoings from the date of execution of the agency agreement onwards, and they will do so without claiming any resultant equities. The 3rd Defendant-society will make the arrangements to remove the cupboard and table and all other items from the flat. The agency agreement with the Court Receiver is to be executed within four weeks from today. The Society is to remove its goods from the flat within that time.

3. The Plaintiff is not represented. As I noted on the last occasion, the Plaintiff firm has been dissolved and there is an arbitration pending between its partners. None appears for the Plaintiff today.

4. The Notice of Motion is therefore disposed of in these terms. No order as to costs.

5. The claim for compensation at the rate of Rs. 35000 per month from 1st June 2016 is kept open to the final hearing of the Suit.

(G. S. PATEL, J)