

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.865 OF 2017
IN
SECOND APPEAL NO.739 OF 2000**

Iqbal Ahmed Chowdhary .. Applicant

In the matter between

Munaf Mushtaq Khan .. Appellant

Vs.

Mukhtar Ahmed Mushtaq Khan (since deceased)

through his legal heirs

1/1 Anisfatima Mukhtar Ahmed Khan & Ors. .. Respondents

Mr.Sharique Nachan a/w Mr.Mohammad Taha i/by Judicature Law Associates for the applicant.

Ms.Fatima R. Lakdawala for the respondent nos.1/1 to 1/7.

**CORAM : R.D.DHANUKA, J.
DATE : 24th September 2019**

P.C.:

. By this civil application, a third party seeks intervention and also seeks permission to hand over possession of the newly constructed premises i.e. Shop No.5 to any person appointed by this Court or in the alternative seeks appointment of the Court Receiver with a direction to take possession of the newly constructed premises i.e. Shop No.5. The respondent nos.1/1 to 1/7 have filed a separate civil application inter alia praying for possession of the newly constructed premises i.e. Shop No.5.

2. In view of this fact, in my view, this intervention application is not required to be entertained. Learned counsel for the applicant states that if this Court directs his client to hand over possession either to the Court Receiver or any party, his client would hand over possession thereof. Statement is accepted.

3. In view of the statement made by the learned counsel for the applicant, no further order is required to be passed in this civil application for the relief as prayed. Civil application is disposed of on the aforesaid terms. No order as to costs.

R.D.DHANUKA, J.