

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION NO.602 OF 2018
IN
CIVIL REVISION APPLICATION NO.1050 OF 2010

Vivek Madhavlal Pittie] Applicant

IN THE MATTER BETWEEN:

Madhavlal Narayanlal Pittie] Applicant

Vs.

Sujata Shetty and another] Respondents

WITH

CIVIL APPLICATION NO.603 OF 2018
IN
CIVIL REVISION APPLICATION NO.1051 OF 2010

Vivek Madhavlal Pittie] Applicant

IN THE MATTER BETWEEN:

Madhavlal Narayanlal Pittie] Applicant

Vs.

Shekhar N. Shetty] Respondent

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Mr. Zal Andhyarujina a/w Harsh Meghani i/b M/s. D.J. Kamdin and Co., for Applicants in both the applications.

Mr. Kisohre Jain i/b Divya Jain & Priyal Chheda, for Respondents in both the Applications.

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CORAM : R.G. KETKAR, J.

DATE : 20th FEBURARY, 2019.

P.C.

Heard Mr. Andhyarujina, learned Counsel for the applicant and Mr. Jain, learned Counsel for the respondents.

2. By these applications, the applicants have sought leave to amend Civil Revision Applications by substituting the proposed applicant in place of Madhavlal N. Pittie with consequential amendment as set out in the schedule annexed to the applications.

3. In support of these applications, Mr. Andhyarujina submitted that by order dated 13th April, 2018 passed by this Court (Coram: G.S. Patel, J.) in Notice of Motion (L) No.916 of 2018 in Suit No.224 of 1961, this Court by consent of the parties appointed Vivek Pittie, original defendant No.5 in Suit No.224 of 1961 as Receiver in place and stead of Madhavlal Narayanlal Pittie (since deceased) with all powers that vested in the deceased, including the power to operate bank accounts as was earlier done. Mr. Vivek Pittie is directed to file accounts every half year in this Court.

4. Mr. Jain has invited my attention to the replies filed by the respondents and in particular paragraph 12 and submitted that it is contended that against the order dated 13th April, 2018, the Appeal is preferred by M/s. Speedex Auto Garage and the said appeal is pending.

5. It is not in dispute that as on date, the order dated 13th April, 2018 passed by this Court in Notice of Motion (L) No. 916 of 2018 in Suit No.224 of 1961 is not stayed.

6. In view thereof, without prejudice to the rights and contentions of the parties, Civil Applications are allowed in terms of prayer clause (a) with no

order as to costs. Liberty is reserved to the respondents to move this Court for variation of this order in case M/s. Speedex Auto Garage succeeds in the appeal. Amendment shall be carried out within two weeks from today. Amended slip shall be made over to the other side. Order accordingly.

[R.G. KETKAR, J.]