

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION NO.235 OF 2018****IN****NOTICE OF MOTION NO.1189 OF 2014****IN****SUIT NO.443 OF 2013**

Rajdai Nandlal Shaw

... Plaintiff

Versus

Mahendra Mangruram Gupta And 6 Ors.

... Defendants

.....

Mr. V.Y. Sanglikar, for the Plaintiff.

Mr. Saurabh M. Railkar, for Defendant Nos. 1 and 2/ Applicant in NM 235 of 2018.

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CORAM**: S.C.GUPTE, J.****DATED****: 27 MARCH 2019****P.C.:**

. Heard learned Counsel for the parties. This notice of motion seeks recall of an order passed by this Court in Notice of Motion No.1189 of 2014 on 1 August 2017. By this order, the notice of motion of the Respondent-Plaintiff was made absolute in terms of prayer clause (b), which requires appointment of a Court Receiver. Learned Counsel for the Respondent-Plaintiff has no objection to the order of 1 August 2017 being recalled. Learned Counsel, however, submits that his motion seeking appointment of a receiver was of the year 2013 and it needs to be heard expeditiously if the order of 1 August 2017 disposing of the notice of motion is recalled. Learned Counsel submits that in this particular case, the property is in unauthorised possession of the Applicants, who are

original Defendants to his suit. In the premises, the order dated 1 August 2017 is recalled and set aside and Notice of Motion No.1189 of 2014 is restored to file. The hearing of the notice of motion shall be taken up expeditiously. Both parties agree that the notice of motion shall be mentioned before the regular Court taking up motions and both parties shall cooperate for expeditious hearing of the notice of motion. Notice of Motion No.235 of 2018 is disposed of accordingly.

(S.C.GUPTE, J.)