

Nalawade.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CHAMBER SUMMONS NO. 447 OF 2019

IN

SUIT NO. 319 of 1958

Aga Aziz Aga Majid Khan and ors. ...Applicants

vs.

Bibi Khurshid Taj daughter
of Aga Majid Khan ...Plaintiff

vs.

Khatija Taj w/o Aga Majid Khan and ors.
...Defendants

And

Court Receiver, Bombay and ors. ...Respondents.

Ms. Ishita Yash Shah for the Applicants.

Mr. K.S.Mohite for Respondent Nos. 2 to 4.

CORAM : R.I. CHAGLA J.

DATE : 23rd September 2019

PC :

1. The parties have jointly made an application for discharge
of the Court Receiver appointed by this court on 15.12.1983 and

directing the Court Receiver to handover the possession of the property to the heirs of the plaintiff and defendants jointly without passing accounts of the properties mentioned in Schedule 2 attached to the affidavit in support of the present chamber summons. Apart from this relief, amendment of the plaint is sought by bringing the heirs of the deceased-plaintiff on record in terms of Schedule 1 to the affidavit in support of the chamber summons.

2. It is apparent from the consent terms executed between the parties on 6.12.2007 that the parties had agreed for the appointment of Court Receiver in respect of the immovable property and for the Court Receiver to be discharged without passing accounts after paying his charges and expenses and upon handing over possession of the suit property back to the original plaintiff. There is no dispute between the defendants and the plaintiffs who are brothers and sisters, as to their entitlement to jointly receive the possession of the suit property. Accordingly, the chamber summons is made absolute in terms of

prayer clause (a) and (b). Chamber summons is disposed of in the above terms.

[R.I. CHAGLA J.]