

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

**LEAVE PETITION NO. 111 OF 2019
IN
SUIT (L) NO. 677 OF 2019**

Barkha Motiram Gurnani

... Plaintiff

V/s.

M/s Suchit Developers and others

... Defendants

Mr. G.B. Kedia for plaintiff.

CORAM:	R. I. CHAGLA, J.
DATE:	14TH JUNE, 2019

PC:-

1. The learned counsel for the applicant seeks grant of leave to sue the court receiver, High Court, Bombay under Order 40 Rule I of the CPC, 1908 as party defendant to the present proceeding. He refers to order dated 26th July 2018 passed by the learned Single Judge of this court. By this order the court receiver was directed to take forthwith the possession of the suit property and to sell the two shops in the subject suit property so that the sell proceed could be utilised for completion of the suit project. The applicant is aggrieved by such directions and wishes to proceed against the

court receiver as the applicant has one of the flats in the subject property.

2. I have perused the petition, I am satisfied that the petitioner has made out the case for grant of leave to sue the court receiver, High Court, Bombay under Order 40 Rule I of the CPC, 1908 as party defendant to the present suit.

3. Accordingly, the petition is made absolute in terms of prayer clause (a).

(R I. CHAGLA, J.)