

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

CHAMBER SUMMONS NO. 1021 OF 2019

IN

SUIT NO. 422 OF 1986

Nishant Enterprise	...	Applicant
In the matter between		
Bank of Baroda & Anr.	...	Plaintiffs
Versus		
M/s. Cerall & Ors.	...	Defendants
And		
Court Receiver, High Court, Bombay	...	Respondent

Mr. Milind T. Shewale for the Applicant.
Mr. D.N. Kher, Court Receiver, present.

CORAM : R.I. CHAGLA, J.

DATED : 11th OCTOBER, 2019.

P.C. :

1 This Chamber Summons has been taken out in a disposed of Suit seeking directions to be issued to the Court Receiver to execute the deed of assignment in respect of the property viz. piece and parcel of the plot of land viz. Plot No.E-75, admeasuring 1000 sq. mtrs. together with buildings and erections standing thereon and the premises situated in the Tarapur Industrial Area within the Village limits of Salwad, Taluka and Registration Sub-District Palghar, District and Registration District Thane, in favour of the Applicant.

2 This application appears to be made pursuant to minutes of order having been executed by the Plaintiffs and the Defendants on 29.04.1992. By the minutes of order, the Plaintiffs and the Defendants had agreed to settle the Suit and had consented to the Court Receiver selling the said property to M/s. Nishant Enterprise at sum of Rs.2,20,000/-. The purchaser had deposited with the Plaintiffs a sum of Rs.2,20,000/- and, thereafter the Court Receiver was to handover possession of the said property to the purchaser. The Court Receiver has pursuant to the minutes of the order dated 29.04.1992, handed over possession of the said property to the purchaser. It appears that the purchaser is after several years aggrieved as there is no deed of assignment executed by the Court Receiver in his favour. If that was the case, the purchaser should have approach this Court several years back through the Plaintiffs by seeking execution of the minutes of the order dated 29.04.1992. The Execution Application would now be barred by limitation and hence, this application taken out in a disposed of Suit cannot be entertained by this Court.

3 Accordingly, the Chamber Summons is dismissed with no order as to costs.

(R.I. CHAGLA, J.)