

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.2277 OF 2019
IN
ARBITRATION PETITION NO.402 OF 2014**

Supama Realtors LLP & Ors.	..Applicants
In the matter between	
Supama Realtors LLP & Ors.	..Petitioners
Vs.	
Mulchand Kaluchand Ranka & Ors.	..Respondents

Mr.Sharan Jagtiani with Mr.Kiran Jain i/b. Kiran Jain & Co. for Applicant.
 Mr.Piyush Raheja with Mr.Sahil Gandhi i/b. Markand Gandhi & Co. for Respondent Nos.1 to 3.
 Ms.Nita Solanki with Mr.Ganesh Ambekar i/b. M/s. Thakore Jariwala & Associates for Respondent Nos.4 to 8.
 Mr.D.N. Kher, Court Receiver.
 Mr.PK. Nardele, O.S.D. Court Receiver.

CORAM : G.S. KULKARNI, J.

DATE : 22nd OCTOBER, 2019

P.C.:

Heard learned Counsel for the parties on this motion. All parties are represented.

2. By an order dated 18 February 2016 (Exhibit "A") by consent of the parties in writing on farad, the Court Receiver was appointed as a receiver of the suit property. The motion today is for discharge of the Court Receiver and that the order appointing the Court Receiver be vacated.

3. The respondents have no objection for granting of the prayers as

made in the Notice of Motion. Learned Counsel for respondent Nos.1 to 3 however would state that the submissions which are made in the affidavit in support of the motion are not acceptable to his clients and to that effect formal reply would be placed on record. Accordingly, reply affidavit of Mr.Mulchand Kaluchand Ranka-respondent No.1 is taken on record. Respondent Nos.4 to 8 would also have no objection for the prayers being granted. Accordingly, notice of motion is granted in terms of prayer clauses (a) and (b).

4. The Court Receiver is however discharged subject to payment of costs etc. which are stated to be of Rs.34,049/-. Mr.Jagtiani, learned Counsel for the petitioner has handed over to the learned Court Receiver a cheque of the Advocate for the said amount.

5. The discharge of the Court Receiver and the prayers as granted in the motion are without prejudice to the rights and contentions of the parties in the pending arbitral proceedings.

6. Needless to observe that the symbolic possession as taken by the Court Receiver would accordingly come to an end.

7. Notice of Motion is accordingly disposed of.

[G.S. KULKARNI, J.]