

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

**INTERIM APPLICATION NO.1 OF 2019
IN
APPEAL (L) NO.568 OF 2019**

WITH

**APPEAL (L) NO.568 OF 2019
IN
NOTICE OF MOTION NO.1189 OF 2014**

Mahendra Mangruram Gupta & Anr. Applicants/
Appellants

versus

Rajdai Nandlal Shaw & Ors. Respondents

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- Mr.Sudeep R. Nargolkar i/b. Saurabh Railkar, Advocate for Applicants/Appellants.
- Mr.VY. Sangaliker, Advocate for Respondent.
- Mr.PK. Nardele, OSD Court Receiver.
- Mrs.Rucha Ambekar, Section Officer.

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : 09th DECEMBER, 2019.

P.C. :

1. Pursuant to the praecipe filed by the learned Counsel for the Applicants/Appellants, the matter is taken on production board.

2. Heard learned Counsel for the parties.
3. By this Appeal, the Appellant is challenging the order dated 26/11/2019 passed by the learned Single Judge allowing the Notice of Motion No.1189/14 and Notice of Motion No.1789/17 appointing Court Receiver to take forcible possession of the suit premises i.e. Shop No.5 situated on the ground floor of Bajran Kripa, N.M. Joshi Marg, Parel, Mumbai, to appoint Respondent/Plaintiff as an Agent of the Court Receiver without any security but on payment of monthly royalty.
4. Learned Counsel Mr.Sudeep R. Nargolkar for the Appellant submits that the Appellant is in possession of the suit premises for last several years.
5. Considering these facts and impugned order, the following order is passed;

- (a) Liberty is granted to the Respondent to file their affidavit in reply before Registry with a copy to the other side on or before 20/12/2019.
- (b) Rejoinder, if any, to be filed on or before 10/01/2020.
- (c) Matter to be placed on board for hearing on 17/01/2020.
- (d) Till next date, operation and implementation of the impugned order dated 26/11/2019 passed by the learned Single Judge in Notice of Motion No.1189/14 with Notice of Motion No.1789/17 is stayed.
- (e) The Appellant is restrained by an order of injunction from creating third party interest in respect of suit premises till further orders.
- (f) The Appellant is directed to remove office objections on or before 04/01/2020 failing which the Appeal shall stand dismissed without referring back to the Court.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)