

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

SUIT NO. 224 OF 1961

Madhusudanlal Narayanlal Pittie	.. Plaintiff
Vs.	
1 Narayanlal Bansilal	
& Ors.	.. Defendants

**WITH
INTERIM APPLICATION NO. 1 OF 2020
IN
SUIT NO. 224 OF 1961**

Shrikant Shantaram Banavalikar	.. Applicant
And	
Vivek Madavlal Pittie	.. Court Receiver

In the matter of :

Madhusudanlal Narayanlal Pittie	.. Plaintiff
Vs.	
1 Narayanlal Bansilal	
& Ors.	.. Defendants

Mr.Varun Satiya i/b Crawford Bayley & Co. for plaintiff in S/224/1961.

Ms. Sunita D. Sonawane for applicant in IA/1/2020.

Mr. Harsh Meghani a/w. Mr. Arun Unikrishnan i/b D.. Kamdin & Co. for defendant Nos.1(a), 1(b), 3A, 3B, 5 and 6.

Mr. D.J. Kamdin for Court Receiver.

Mr. Ajay B. Malvankar, Section Officer, Court Receiver's office.

CORAM : N.J. JAMADAR, J.

DATE : 11TH FEBRUARY 2020

P.C.

INTERIM APPLICATION NO. 1 OF 2020

1. Heard the learned counsel for the applicant and the learned counsel for the Court Receiver.

2. The Court Receiver came to be appointed in respect of the subject property by an order dated 21st July 1967 and continued by a further order dated 2nd May 2008. The applicant herein claims tenancy rights in respect of the premises bearing No. 73C situated on 2nd floor, Shivlal Motilal Mansion, Dr. Bhadkamkar Marg, Mumbai. The Court Receiver has contested the claim of the applicant that the tenancy was transferred in the name of defendant No.2-Bal Shantaram Banavalikar in the suit before the Court of Small Causes, Mumbai, being R.A.D. Suit No. 996 of 2017, behind the back of the plaintiff-applicant herein.

3. The learned counsel for the Court Receiver submits that he has no objection to grant leave to institute the suit against the Court Receiver. Thus, having regard to the nature of the dispute, it is necessary to grant leave to institute the suit against the Court Receiver.

4. Hence, the following order :

- (i) The application is allowed in terms of prayer clause (a).
- (ii) The interim application stands disposed of.

[N.J. JAMADAR, J.]