

Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.3919 OF 1995

Zulfikar Mohammedhusain Kagalwala and Anr.Plaintiffs

V/s.

Taherbhai Abdullabhai and Ors.Defendants

ALONG WITH

CHAMBER SUMMONS NO.615 OF 2018

IN

SUIT NO.3919 OF 1995

Saifuddin RajkotwalaApplicant

In the matter between

Zulfikar Mohammedhusain Kagalwala and Anr.Plaintiffs

V/s.

Taherbhai Abdullabhai and Ors.Defendants

And

Court Receiver, High Court, BombayRespondent

None for the Plaintiffs.

Mr. Anupam Surve, with Mr. Nikhil Mutha and Mr. Nitant Sheth, i/by Nanu Hormasjee & Co., for Defendant Nos.1 and 3.

Mr. Sean Wassoodew for Defendant Nos.2A to 2D.

Mr. Sagar Patil for the M.C.G.M.

CORAM : A.K. MENON, J.

DATED : 26TH FEBRUARY, 2020.

P.C. :

1. The learned counsel for the parties agreed that the suit will not survive

in view of the fact that the disputes in the suit were referred to arbitration, which resulted in an award being declared on 13th June 2002. The award was thereafter subject matter of a challenge.

2. In view thereof, the award has attained finality. The decree-holders have since adopted execution proceedings being Execution Application (Lodging) No.2329 of 2018. In view of the aforesaid, both the learned counsel state that the Receiver appointed in the suit may be continued as Receiver in execution. The regular court hearing execution matters is unavailable today and that is how this request is being made before this court.

3. Accordingly, by consent, the Court Receiver appointed in this suit shall now continue as Receiver in execution proceedings. In view of the Receiver now continuing as Receiver in execution of the award nothing survives in the suit.

4. Suit and all interim applications stand disposed.

(A.K. MENON, J.)