

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

**NOTICE OF MOTION NO.727 OF 2019
IN
APPEAL NO.194 OF 2014
IN
CHAMBER SUMMONS NO.1143 OF 2011
IN
SUIT NO.2011 OF 2002**

Vinod Chawla & Ors.

.... Applicant

versus

Shree Shiv Bhakti Films & Ors.

.... Respondents

.....

- Mr.R.A. Dada, Senior Advocate i/b. Mr.V.Y. Sanglikar, Advocate for Applicant.
- Ms.Chandni Dewani i/b. Little & Co., Advocate for Respondent Nos.2(a) and 2(b).

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATE : 31st JANUARY, 2020.**

P.C. :

1. Heard learned Senior Counsel Mr.R.A. Dada for Applicant and learned Counsel Ms.Chandni Dewani appearing for Respondent Nos.2(a) and 2(b).

2. By this Notice of Motion, the Applicant/Original

Plaintiff is seeking direction to appoint Court Receiver, High Court Bombay, as a receiver in respect of suit property i.e. plot and building 'Shiv Bhakti', standing at 48, Vithal Nagar, 13th Road, J.V.P.D. Scheme, Mumbai-400 049 and also other reliefs.

3. Learned Counsel Ms.Chandni Dewani appearing for Respondent Nos.2(a) and 2(b) made a statement that they are ready and willing to give undertaking before this Court that they will not dispose of the suit property i.e. Plot No.48, Vithal Nagar CHS, J.V.P.D. Scheme, Juhu, Mumbai-400 049, with the structure/house Shiv Bhakti without permission of this Court. To that effect today advocate for Respondent Nos.2(a) and 2(b) has tendered affidavit-cum-undertaking dated 30/01/2020 duly affirmed by Mr.Jatin Kumar Respondent No.2(a) for himself and also on behalf of Respondent No.2(b). Same is taken on record and accepted.

4. Paragraph No.2 of the said affidavit-cum-undertaking reads thus:

“I undertake that pending the hearing and final disposal of the Appeal No.194/2015, myself and Respondent No.2(b) shall not dispose of the suit property situated at, Plot No.48, Vithal Nagar CHS, J.VPD. Scheme, Juhu, Mumbai-400 049 with the structure / house Shiv Bhakti without the permission of this Hon’ble Court.”

5. Undertaking given by Respondent Nos.2(a) and 2(b) is accepted.

6. In view of the undertaking given by Respondent Nos.2(a) and 2(b), Notice of Motion No.727/2019 stands disposed of.

7. No order as to cost.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)