

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO.207 OF 2021****WITH****INTERIM APPLICATION NO.1995 OF 2021**

Ramesh Harsai Obhan and Ors.

... Appellants

V/s.

Sushma Builders and Ors.

... Respondents

Mr.Gauraj Shah i/b. Mr.Ashish Mishra and Mr.Vishnu Mishra, Advocates for Appellants/Applicants.

Mr.Ketan R.Parekh a/w Ms.Priyanka R.B., Advocate for Respondents.

CORAM : A.S. GADKARI, J.**DATE : 24th August, 2021.****PC. :**

1. After hearing the learned counsel for respective parties, this Court finds it appropriate that, Clause No.2 of operative part of the impugned Order dated 13th January, 2021 be modified accordingly.

2. The concerned Court Receiver is directed to take symbolic possession of the suit property and put his own lock on the suit premises along with a board of taking symbolic possession thereof.

If, either of party makes an Application for the purpose of internal maintenance of the said suit premises (i.e. Room No.11), the Trial Court will consider the said Application on its own merits.

3. It is further clarified that, the findings recorded by the Trial Court with respect to the contention of limitation of filing suit by the plaintiff are *prima facie* in nature and the Trial Court will frame an issue for deciding the point of limitation at the time of trial.

4. In view of the modification of Clause No.2 of operative part of impugned Order dated 13th January 2021, nothing further survives in the present Appeal and is accordingly disposed off.

5. In view of disposal of the present Appeal, Interim Application No.1995 of 2021 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]

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