

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

SUIT NO.622 OF 2014

ALONG WITH

COURT RECEIVER'S REPORT NO.137 OF 2021

IN

NOTICE OF MOTION NO.1031 OF 2014

Indu Enterprise

.. Plaintiff

Vs.

Manohar B. Darpe and Ors.

.. Defendants

Mr. Mandar Limaye, with Mr. Anagh Pradhan and Mr. Abraham Fernandes, i/ by Divya Shah Associates, for the Plaintiff.

Mr. Malcolm Siganporia, with Mr. Ayush Jain, i/by Hariani & Co., for Defendant Nos.2, 3, 4 and 6.

Ms. Kanchan Rane, 1st Assistant to Court Receiver, is present.

CORAM : A. K. MENON, J.

DATED : 10TH MARCH 2021.

P.C. :

1. The Receiver's report seeks directions as to (i) execution of an agreement of permanent alternate accommodation in favour of defendant no.2; (ii) handing over possession of flat to defendant no.2 being flat no.301; (iii) handing over possession of flat nos.101, 202, and 401 to defendant nos.6, 3 and 4, respectively, and; (iv) for costs.

2. As far as defendant no.2 is concerned, it is common ground today as between the plaintiff and defendant no.2 and as confirmed by the Receiver

that the agreement of permanent alternate accommodation has been executed after it was adjudicated, but is yet to be registered. On behalf of defendant no.2 and the plaintiff, both learned counsel undertake to ensure that registration is completed within one week from today. Undertaking is accepted. Advocates on both sides shall ensure that the registration is completed without any further delay.

3. In the meantime, it is submitted by Mr. Siganporia that his clients viz. defendant nos.3, 4 and 6 are ready and willing to unconditionally take possession of flat nos.202, 401 and 101, respectively, without prejudice however to their rights to claim unpaid rent from the plaintiff.

4. In this view of the matter, I pass the following order :-

- (i) Receiver's report is allowed in terms of prayer clause (c). Receiver to handover possession of flat nos.101, 202 and 401 to the concerned defendants, who will take possession without prejudice to their rights to claim unpaid rent from the plaintiff. Possession to be handed over on 11th March 2021 at 11:00 a.m., when all the three defendants shall remain present at the suit premises.
- (ii) Receiver's report is therefore allowed in terms of prayer clause (d) as well. Cost of the Receiver to be borne by the plaintiff.
- (iii) Receiver's report is disposed in the above terms.

(A. K. MENON, J.)