

K.S. Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.658 OF 2015
IN
CIVIL REVISION APPLICATION NO. 1069 OF 2010**

**Mrs. Gool Rustom Savaksha (since deceased) ...Applicants
through LR & Ors.**

In the matter between:

**Mrs. Gool Rustom Savaksha (since deceased) ...Original
through LR & Ors. Applicants**

Versus

Abdul Rahim B. Attar And Others ...Respondents

WITH

**CIVIL APPLICATION NO.8 OF 2016
IN
CIVIL REVISION APPLICATION NO. 312 OF 2013**

**Abdul Rahim B. Attar (since deceased) ...Applicants
through LR & Ors.**

In the matter between:

**Abdul Rahim B. Attar (since deceased) ...Petitioner
through LR & Ors. (Original
Plaintiffs)**

Versus

**Rustom Savaksha (since deceased) ...Respondents
per LRs Mrs. Gul Rustom Savaksha & Others (Original
Defendants)**

WITH

CIVIL APPLICATION NO.659 OF 2015

IN

CIVIL REVISION APPLICATION NO. 1069 OF 2010

Abdul Rahim B. Attar (since deceased) ...Applicants
through LR & Ors.

In the matter between:

Mrs. Gool Rustom Savaksha (since deceased) ...Petitioner
through LR & Ors. (Original
Defendants)

Versus

Abdul Rahim B. Attar (since deceased) ...Respondents
through LR & Ors. (Original
Plaintiffs)

None present for Appellant in CRA 1069/2010.

Mr. A.S. Rao, Advocate for Applicant in CAC No.8/2016, CAC No.659/2015 & for Respondent in CRA 1069/10.

Mrs. Rekha Rane, 2nd Assistant to the Court Receiver, High Court, Bombay.

CORAM : R.I. CHAGLA, J.

DATE : 13TH DECEMBER, 2022.

ORDER :

1. The Civil Application No.658 of 2015 had come up on 17th November, 2022 when this Court had noted that though the

Civil Application was placed for hearing, none had appeared and same was placed for dismissal on 23rd November, 2022.

2. It was made clear in said order, if none appeared for the Applicants on next date, the Court will be constrained to dismiss the Civil Application itself. Thereafter, the matter has come up today. Considering that none appears for the Applicants in Civil Application No. 658 of 2015 and in view of the order dated 17th November, 2022 passed by this Court, the Civil Application No. 658 of 2015 is dismissed.

3. The Civil Revision Application No.1069 of 2010 has already been held to have abated.

4. By a prior order dated 18th October, 2022 passed by this Court, the Court Receiver appointed was permitted to unlock door of the suit premises mentioned in the report and carry out inventory of the articles with complete details and re-seal the property under its authority which had been done by the Court Receiver and Report submitted on 17th November, 2022 of which note has been taken by this Court. Accordingly, nothing

survive in Civil Application No.659 of 2015 which is for breaking open the lock of the suit premises and is disposed of.

6. In so far as Civil Application No. 8 of 2016 is concerned, that has been taken out by the Applicants in Civil Revision Application No. 312 of 2013 which has already been admitted. Accordingly, the learned Counsel appearing for the Applicants/Appellants states that the Applicants are not pressing Civil Application No. 8 of 2016.

7. In view thereof, Civil Application No. 8 of 2016 is disposed of.

8. In view of the Court Receiver having submitted the Report upon complying with the order dated 18th October, 2022 passed by this Court which is noted in the order dated 17th November, 2022, the Court Receiver stands discharged without drawing up of accounts and upon payment of costs and charges to be borne borne by the Applicants.

9. The Court Receiver's Report No. 11 of 2022 and 8 of 2022

also stands disposed of.

10. The possession of the premises shall be handed over to the Applicants in Civil Revision Application No. 312 of 2013 as landlord of the premises.

11. The Civil Revision Application No. 312 of 2013 shall be listed as per CIS date.

[R.I. CHAGLA, J.]