

Sharayu Khot.

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

COURT RECEIVER'S REPORT NO. 47 OF 2022

IN

SUIT (L) NO. 43 OF 2020

Masooda Ashraf Majal & Anr.

...Applicants/
Org.Plaintiffs

Versus

Ahmed Yusuf Turk & Anr.

...Defendants

WITH

INTERIM APPLICATION (L) NO. 3070 OF 2021

WITH

COURT RECEIVER'S REPORT NO. 180 OF 2021

WITH

INTERIM APPLICATION (L) NO. 27871 OF 2022

Mr. Mutahar Khan i/by Mr. Vishal Hegde a/w Mr. Akshay Naik for the
Plaintiffs.

Mr. Aditya Pimple a/w Mr. Sachin Chowdhari i/by Dharam & Co. for
the Defendant.

Mrs. Rekha Rane, 2nd Asstt. to C.R. present.

CORAM : R.I. CHAGLA J

DATE : 26 September 2022

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ORDER :

1. By this Court Receiver's Report, the Court Receiver has sought directions with regard to refusal by Plaintiff No. 1 to handover possession of the suit premises to the Court Receiver.

2. By order dated 29th January 2020, the Court Receiver was directed to take possession of the suit premises on 5th February 2020 at 11 a.m. After taking possession, the Court Receiver was not to disturb any of the occupants of the suit premises, however, no fresh bookings was to be accepted till further orders. Court Receiver was directed to file a report.

3. It is an admitted position that the Court Receiver has not been in a position to take possession of the suit premises. Learned Counsel appearing for the Plaintiffs states on instructions that the Court Receiver may take formal possession of the suit premises without prejudice to the rights and contentions of the Plaintiffs. Statement is accepted.

4. The Court Receiver is directed to take formal possession

of the suit premises from the Plaintiffs on 1st October 2022 at 11 a.m.

5. Learned Counsel appearing for the Plaintiffs further states on instructions that no fresh bookings have been accepted subsequent to the order dated 29th January 2020 and will not be accepted till further orders passed by this Court. Statement is accepted.

6. Place Interim Application (L) No. 3070 of 2021 on 12th October 2022 at 2.30 p.m.

7. Court Receiver's Report No. 47 of 2022 is disposed of.

8. Costs of Court Receiver shall be allowed to be deducted from the Suit account.

9. Rights and contentions of the parties are kept open.

10. Pleadings in Interim Application (L) No. 27871 of 2022 shall be completed prior to the next date.

11. The Plaintiffs are permitted to file Affidavit in Rejoinder in Interim Application (L) No. 3070 of 2021 in the Registry within a period of one week from the date of this order.

[R.I. CHAGLA J.]