

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

NOTICE OF MOTION NO.7 OF 2015
IN
COMMERCIAL SUIT NO.39 OF 2015

DNM Trustee Services Pvt. Ltd.	.. Applicant-Plaintiff
Vs.	
Victoria Enterprises Ltd. and Ors.	.. Defendants

Mr. Viraj Parikh, with Ms. Taruna Nagpal, i/by DSK Legal, for the Applicant-Plaintiff.

Mr. Manish Jain, i/by S.M. Jain Associates, for Defendant No.1.

CORAM : A. K. MENON, J.
DATE : 6TH JANUARY, 2022.
[THROUGH VIDEO CONFERENCE]

P.C. :

1. By this Notice of Motion, the applicant-plaintiff seeks appointment of Court Receiver of five car parking spaces without payment of compensation or royalty. This relief is subject to the amendment that is now being proposed since the main units have already been handed over to the plaintiff. Accordingly, this motion will not survive today in view of the proposed amendment. The prayer for damages also cannot be entertained at this stage in the motion, since the amendment now proposed takes into consideration revised claim for damages, as canvassed by Mr. Parikh.

2. In the circumstances, this motion is disposed with liberty to the plaintiff to seek appropriate relief in relation to the car parking spaces after amendment is allowed and if so advised.

(A.K. MENON, J.)