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BHALCHANDRA
GOPAL
DUSANE

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

**INTERIM APPLICATION NO.3482 OF 2023
IN
WRIT PETITION NO.7949 OF 2021**

Kalyan Ratanchand Shah ...Petitioners
(since deceased) thru legal heirs
& Anr.

V/s.

Mahenda Balchand Jain & Ors. ...Respondents

Ms. Gunjan Shah for Applicant in IA.

Mr. Ajinkya M. Udane for original Petitioner.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 20th APRIL 2023**

P.C.:

1. By order dated 12th December 2022, the Writ Petition No. 7949 of 2021 was disposed of in terms of the consent terms. By the said order, Court Receiver was appointed to take the possession of the suit shop, if the possession is not handed over to the Respondent Nos. 1 and 2 on or before 31st March 2023.

2. Accordingly, the Court Receiver i.e. Superintendent, District Court, Pune submitted report 31st March 2023 stating

that the Petitioners have not handed over possession of the suit shop alongwith gold, silver ornaments and other valuables which are in the said shop.

3. In view of said position, the legal heirs of original Respondent No. 1 and 2 filed the Interim Application No. 3484 of 2023. By order dated 10th April, 2023 passed in this Interim Application No. 3482 of 2023, this Court has directed the Court Receiver to take forcible possession of the suit premises with the help and assistance of Police officials from the local police station and thereafter to handover the possession to the Appellants i.e. heirs and representatives of Respondent Nos. 1 and 2.

4. In order dated 10th April 2023, this Court has also recorded statement of Petitioner No. 1 i.e. Mr. Mahendra Jain that the gold and silver articles as well as other valuables would be removed from the shop premises and that the Petitioner No.1 also will pay the Court Receiver's charges.

5. The Court Receiver i.e. Superintendent, District Court, Pune submitted report dated 18th April 2023 stating that the vacant possession of the suit premises has been received and the same has been handed over to the Applicants.

6. Mr. Udane, learned Counsel appearing for the original Petitioners states that an amount of Rs.5,000/- as Court Receiver's charges is paid to the Court Receiver.

7. The Court Receiver appointed by order dated 12th December 2022 is discharged in terms of paragraph 15 of the order dated 12th December 2022.

8. The Court Receiver's report is taken on record and marked "X" for identification.

9. Mr. Udane also states that the costs of Rs.50,000/- as mentioned in Clause 13 of order dated 12th December 2022 has been paid to the Pune District Law Library.

10. Accordingly now nothing survives in the Interim Application and the same is disposed of in above terms.

(MADHAV J. JAMDAR, J.)