

Santosh

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

**INTERIM APPLICATION NO. 250 OF 2020
IN
SUIT NO. 445 OF 2013**

Nishit Ramawadh Jayaswal and ors. ...Plaintiffs

Versus

Akhtar Malik and anr. ...Defendant

And

The Court Receiver ...Prop. Respondent

**WITH
COURT RECEIVER'S REPORT NO. 259 OF 2021
IN
SUIT NO. 445 OF 2013**

Mr. Sanjeev Singh, for the Applicant.

Mr. Rashmin Khandekar, i/b Biswajit Mukherji, for Defendant
No.1.

Mr. Patel, Master, Office of Court Receiver, present.

CORAM: N. J. JAMADAR, J.

DATED : 6th FEBRUARY, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the applicant submits that in view of the subsequent development and order dated 20th December, 2021 passed by this Court and the order passed in Appeal (L) No.1184 of 2021 in Court Receiver's Report No.259 of 2021, nothing survives in this application.

3. By order dated 17th January, 2022, the Appeal Bench has directed the Court to hear the Court Receiver's Report afresh after providing an opportunity to the respondent to file affidavit-in-reply.

4. Hence, interim application stands disposed.

5. Mr. Khandekar, the learned Counsel for defendant No.1, seeks leave to serve a copy of the affidavit-in-reply on the Counsel for the applicant across the bar.

6. Copy served.

7. The applicant is at liberty to file an affidavit-in-rejoinder, if any, to deal with the affidavit-in-reply filed on behalf of the respondent.

8. Court Receiver's Report be listed for hearing on 2nd March, 2023.

9. Interim order shall continue to operate till the hearing and disposal of the Court Receiver's Report.

[N. J. JAMADAR, J.]