

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

INTERIM APPLICATION NO.151 OF 2024
IN
SUIT NO.933 OF 2016

SPAN CORPORATION)...APPLICANT
(THIRD PARTIES)

IN THE MATTER BETWEEN

MOUSHAMI AMIT BAJAJ & OTHERS)...PLAINTIFFS
V/s.

KAMLASHRI BUILDERS & OTHERS)...DEFENDANTS

Mr.Naushad Engineer a/w Mr.Priyansh Jani i/b Vigil Juris, Advocates for the Plaintiffs.

Mr.Sanjeev Hariakar, Advocate for the Applicant in IA/151/2024.

Mr.Yogesh C. Naidu (through Video conferencing) a/w Mr.Sujith Suresh i/b Mr.Edende Horta Ribeiro, Advocates for the Defendants No.1,2,4 and 5.

Ms.Shradha Achliya (through Video conferencing) a/w. Mr.Mayuresh Ingale, Advocate for the Defendants No.7 to 13 in S/933/2016.

Mr.Ameya Khot i/b M/s. Legal Vision, Advocates for the Defendants No.14, 16 & 17.

Mr.N.C. Pawar, Officer on Special Duty, Court Receiver's Office is present in Court.

Mr.Jitendra Jain, Defendant No.4, present in person.

CORAM : ABHAY AHUJA, J.

DATE : 12th FEBRUARY 2025

PC. :

1. When the matter is called out, Mr.Engineer, learned Senior Counsel appears for the Plaintiffs and submits that the Plaintiffs are not

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aware of the Interim Application, as a copy has not been served upon them.

2. Upon a query from this Court to Mr.Sanjeev Hariakar, learned Counsel for the Applicant, whether service of the application was effected on the Plaintiffs, Mr.Hariakar, submits that the Plaintiffs have been served.

3. Be that as it may, let a copy of the Interim Application be served upon the Plaintiffs and let the learned Senior Counsel for the Plaintiffs take instructions with respect to the prayers in the Interim Application.

4. Mr.Naidu, learned Counsel, appears for the Defendants no.1, 2, 4 and 5 through video conferencing and submits that he has already conveyed his clients' no objection to the Applicants being permitted to take away the material lying in the Suit premises. Mr.Naidu further submits that as directed by this Court, the Defendant no.4 is present and as regards the Defendant no.5 is concerned, Mr.Naidu submits that the Defendant no.5 is not well and undertakes to file an appropriate affidavit in this regard by the next date.

5. Let the Defendants no.4 and 5 positively remain present in Court on the next date, failing which, this Court will be constrained to use the State machinery to secure their presence.

6. Mr.Pawar, learned Officer on special duty, Court Receiver's office, also is aggrieved that a copy of the Interim Application has not been served upon him. Let a copy of the Interim Application also be served upon the Court Receiver.

7. Mr.Pawar, learned Officer on special duty, Court Receiver's office, further submits that only four proposals have been received, however, no proposal has been received from the Defendants no.1 to 6. Learned Officer submits that once all the proposals are received, a meeting would be convened.

8. As and by way of last indulgence, let the proposals be submitted by all the concerned parties within a period of two weeks, failing which, the Court Receiver is directed to convene a meeting.

9. List on **19th March 2025**.

(ABHAY AHUJA, J.)