

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

SUIT NO. 933 OF 2016

Mrs. Moushami Amit Bajaj and Others ... Plaintiffs

V/s.

M/s. Kamalashri Builders and Others ... Defendants

**WITH
INTERIM APPLICATION (LODGING) NO. 35156 OF 2024
IN
SUIT NO. 933 OF 2016
WITH
INTERIM APPLICATION (LODGING) NO. 28931 OF 2024
IN
SUIT NO. 933 OF 2016
WITH
INTERIM APPLICATION (LODGING) NO. 28926 OF 2024
IN
SUIT NO. 933 OF 2016
WITH
INTERIM APPLICATION NO. 151 OF 2024
IN
SUIT NO. 933 OF 2016
WITH
INTERIM APPLICATION (LODGING) NO. 12758 OF 2022
IN
SUIT NO. 933 OF 2016
WITH
INTERIM APPLICATION NO. 2971 OF 2021
IN
SUIT NO. 933 OF 2016
WITH
NOTICE OF MOTION NO. 2487 OF 2019
IN
SUIT NO. 933 OF 2016
WITH
NOTICE OF MOTION NO. 17 OF 2017**

IN
SUIT NO. 933 OF 2016
WITH
INTERIM APPLICATION (LODGING) NO. 8699 OF 2022
IN
SUIT NO. 933 OF 2016
WITH
COURT RECEIVER'S REPORT NO. 96 OF 2024
IN
SUIT NO. 933 OF 2016

None present for the Plaintiffs.

Mr. Sanjeev Hariakar, Advocate for the Applicants in IA/151/2024 in S/933/2016.

Mr. Yogesh C. Naidu i/b Mr. Eden DH Ribeiro, Advocate for Defendants No. 1, 2, 4 and 5.

Defendants No. 4 and 5 present in-person for Defendant No. 1.

Ms. Shradha Achliya i/b Ms. Neha Achliya and Mr. Mayuresh Ingale, Advocate for Defendants No. 7 to 13.

Mr. Aadil Parsurampur a/w Ms. Pragya, Mr. Ameya Khot i/b M/s. Legal Vision, Advocate for Defendants No. 14, 16 and 17.

Mrs. S. S. Patil, Section Officer, Court Receiver present.

CORAM : ABHAY AHUJA, J.
DATE : 24th JANUARY 2025.

P.C. :

COURT RECEIVER'S REPORT NO. 96 OF 2024
IN
SUIT NO. 933 OF 2016

1. Mentioned out of turn.

2. Mr. Yogesh Naidu, learned Counsel appears for Defendants No. 1, 2, 4 and 5 submitting that Defendant No. 3 has expired and Defendant No. 6 is under liquidation and that this Court record the

presence of the directors of Defendant No. 1, i.e., Defendants No. 4 and 5, pursuant to directions of this Court, who are present in Court today.

3. It is submitted by the representative of the Court Receiver's Office that some of the Defendants have given proposals, however all the proposals are yet to be received and that after receipt of all the proposals, a meeting will be fixed.

4. It is directed that the parties, who have not submitted their proposals, submit the same within a period of two weeks.

5. Accordingly, let the Court Receiver's Office thereafter fix a meeting, according to mutual convenience.

6. Let Defendants No. 4 and 5 remain present in the Court on the next date as well.

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

7. This Interim Application seeks direction of this Court for return of the material of the Applicants lying in the suit premises.

8. Mr. Sanjeev Hariakar, learned Counsel appears for the Applicants and submits that he represents a contractor, who was engaged by Defendants No. 1 to 6 and that since the Court Receiver has been appointed in the matter, he is unable to take the material from the suit premises and that the Court Receiver be directed by this Court to allow the Applicants to take their material from the suit premises.

9. Mr. Yogesh Naidu, learned Counsel appearing for Defendants No. 1, 2, 4 and 5 submits that he has no objection if the Court Receiver permits the Applicants for taking away their material lying in the suit premises.

10. Mr. Aadil Parsurampuriah, learned Counsel appearing for Defendants No. 14, 16 and 17 submits that since he does not have copy of the Application, he is unable to comment on the same.

11. It is also observed that none is appearing for the Plaintiffs, perhaps since the matter is being mentioned by the learned Counsel for Defendants No. 1, 2, 4 and 5.

12. Be that as it may, list the matter on **12th February 2025**.

13. Let instructions be taken with respect to this Application and the Affidavits be filed by the counter parties, failing which the Court will pass appropriate orders.

(ABHAY AHUJA, J.)

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by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
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