



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

SUIT NO.268 OF 2016
WITH
COURT RECEIVER REPORT NO.247 OF 2025
WITH
NOTICE OF MOTION NO.862 OF 2016

Triumph Builders LLP

...Plaintiff/Applicant

Versus

Mandlik Nagar Co-Operative

Housing Society Ltd. & Ors.

...Defendants

Mrs. Jinal Mehta a/w Ms. Anamika Tiwari i/by Mehta & Co. for the Plaintiff/Applicant.

Mr. Aman Kacheria a/w Mr. Shubham Morarka for Defendant No.53A.

Ms. Nisha Shah i/by Kalpesh Joshi Associates for Defendant No.53B.

Mr. Deepak Bhalerao, 2nd Assistant to Court Receiver a/w Mr. Ajay Yadave, Section Officer present.

CORAM : JITENDRA JAIN, J.

DATE : 29 APRIL 2026

P.C.:

1. Mrs. Mehta, learned counsel for the plaintiff, on instructions, seeks leave of the Court to withdraw the suit.
2. In this matter, the Court Receiver was appointed by this Court with respect to Flat No.B-502. There is a *inter se* dispute between defendant nos.53A and 53B. There are proceedings pending between defendant nos.53A and 53B in the City Civil Court as well as in the Small Causes Court.
3. As of now defendant no.53B is in possession of the flat under the orders of the Court and as agent of the Court. Since the plaintiff is

withdrawing the suit and there are matters pending between defendant nos.53A and 53B in City Civil Court and Small Causes Court, the Court deems fit to protect the property by appointing Court Receiver, City Civil Court with respect to the Flat No.B-502. Defendant no.53B who is in possession of the flat will continue in possession as an agent of the Court Receiver. This Court substitutes Court Receiver Bombay High Court with Court Receiver, City Civil Court with respect to Flat No.B-502.

4. The charges of the Court Receiver, City Civil Court will be borne by defendant no.53B. It is expressly made clear that the possession of defendant no.53B is as an agent of the Court Receiver City Civil Court and same does not create any right, title and interest of defendant no.53B in flat which is a subject matter of dispute between defendant nos.53A and 53B pending before the various Courts.

5. The Court Receiver Report No.247 of 2025 is made absolute in terms of prayer clauses (a), (b) and (d). As of today, plaintiff has to pay Rs.52,936/- (+) Rs.5,000/-=Rs.57,936/- as per prayer clause (d). The plaintiff to deposit Rs.57,936/- with the office of the Court Receiver, High Court within two weeks from today.

6. The High Court Receiver stands discharged without calling for the account and the Court Receiver, Bombay High Court to inform the Court Receiver, City Civil Court. Defendant nos.53A and 53B to apply to the City Civil Court for appointment of the Court Receiver. The Court Receiver, Bombay High Court will continue till the City Civil Court appoints another Court Receiver.

7. Defendant no.53A and 53B to take out application for appointment of Court Receiver within two weeks from today by making a specific reference to this order. The City Civil Court is requested to take up such application on priority basis with intimation to the Court

Receiver of this Court. The right, title and interest in Flat No.B-502 will be subject to the outcome of the proceedings between defendant nos.53A and 53B.

8. Suit is disposed of as withdrawn. Consequently, Court Receiver Report No.247 of 2025 and Notice of Motion No.862 of 2016 do not survive and are disposed of.

[JITENDRA JAIN, J.]