

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION No.[St] 12366 of 2006.

IN

APPEAL FROM ORDER No.[St] 12365 of 2006.

IN

NOTICE OF MOTION No. 2036 of 2006.

IN

S.C. SUIT [St] No.2342 of 2006.

Upendra Amritlal Mistry. .. Appellant.

Versus.

Nimisha Shashank Jain. .. Respondents.
and Ors.

Mr. N. V. Walavalkar, Advocate i/b Mr. Javeed
Hussain for the appellants.

Mr. C. W. Mattos, Advocate for Respondent No.2 & 3.

Mr. C. Naik i/b R. Singh, Advocate for respondent.

Mr. M.H. I. Patel, Asstt. Prothonotary (Adm).

CORAM : A.S.BAGGA, J.
DATE : 30th May, 2006.
[VACATION COURT].

P.C.:-

Heard.

2] There is ad-interim order passed by the
learned Judge, City Civil Court, Mumbai, directing
the Receiver to take over the possession and deliver
the possession to the plaintiff as agent of a
receiver. The learned counsel for the original
plaintiffs makes a statement that his client shall
not insist for taking over the possession as agent of

Receiver. In the light of this no orders are necessary. For clarification, it may be stated that there should not be any inhibition for the Receiver to take possession of the property. The possession of the suit property shall, however, not be given to the plaintiff as agent of the Receiver until fresh orders are passed by the learned Judge after hearing the parties on the date already fixed.

3] The parties are at liberty to move the learned Judge, City Civil Court, Mumbai for Further order. The undertaking given by the learned counsel for the original plaintiff to be operative till 16th June, 2006 only.

4] An authenticated copy may be provided.

(A.S.BAGGA,J.)