

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

**NOTICE OF MOTION NO.1730 OF 2005
IN
SUIT NO.864 OF 2006**

Shabbir S/o. Eusufali A.T.Kanchwala & Anr. ...Plaintiffs

Vs.

Abdul Hussain Dawood Kanchwala & Ors. ...Defendants

Mr.Deepak Chitnis i/b. Mr. S.S. Chiparikar for Plaintiff
in support of Notice of Motion.

Mr.K.F.Merchant i/b. Tejpal & Co. for defendants 9,12 & 13
to show cause

Defendants 2 to 7,10,11 absent though served.

**CORAM: SMT. ROSHAN DALVI, J.
DATED: 30TH JUNE, 2006**

P.C.

1. The parties are relatives. The suit properties as described in Schedule of the property **Exhibit-K** are tenanted. The parties have found it difficult to manage the suit properties and to collect the rents. The defendant no.9 is stated to be managing the suit properties.

2. The Advocate for the plaintiff as well as the

Advocate for defendants 9,12 and 13 state that they desire that the suit properties be sold at the best price.

3. The other defendants are served as per affidavit of service dated 1st May, 2005 and 18th May, 2005 at the last known address. They have not filed any affidavit in reply.

O R D E R

1. The Court Receiver is appointed Receiver in respect of the suit properties.
2. The Court Receiver shall make a list of all the tenants/occupants in the suit properties.
3. The Court Receiver shall put up the properties for sale. The Court Receiver shall initially sell the suit properties by private treaty. If they are not sold within a period of 6 months, the Court Receiver may sell them also by a public auction. Both the plaintiffs as well as defendants 9,12 and 13 as other defendants shall be entitled to bring purchasers for the suit properties.
4. Until the properties are sold the Receiver shall collect the rents from all the tenants and deposit the

rents in the Court to the credit of this suit.

5. All the defendants shall not alienate, encumber, transfer, part with possession of any of the suit properties or create any third party right in them or except any surrender of tenancy rights therein.

(SMT.ROSHAN DALVI, J.)