

IN THE BOMBAY CITY CIVIL COURT AT BOMBAY**NOTICE OF MOTION NO. 3531 OF 2015****IN****SUIT NO. 4265 OF 2009**

Narendra Kumar Rajdhari Gupta] ...Plaintiff

V/s

Rajendra Kumar Rajdhari Gupta
and another] ...Defendants

And

Court Receiver, High Court, Bombay] ...Respondent

Mr.Sachin Chaudhary, Advocate for the plaintiff.

Ms.Ugale, Advocate for the defendant No.1.

Ms.Uma a/w. Ms.Lata, Advocate for the defendant No.2.

CORAM : HIS HONOUR JUDGE,**M.S.GUPTA****(Court Room No.10)****DATED : 30/01/2016.****ORAL ORDER**

This motion is taken out by the defendant No.2 for splitting the period of rotation between the defendant Nos.1 and 2 for conducting the business from the suit premises. The learned Advocate for the defendant No.1 has no objection for splitting the period. But contended that first rotation after the plaintiff may be given to the defendant No.1.

2] Significantly, by virtue of order dated 25.08.2011 passed by the Hon'ble High Court in appeal No.274 of 2011 first rotation was given to the plaintiff for carrying on the hotel business from the suit premises as an agent of the court receiver for a period of one year and thereafter, the same to be continued by the defendants jointly for a period of two years. Now as the dispute arose between the defendants, it will be just and

convenient to split up the period of two years and to allow each of the defendant to carry on the said business as an agent of the court receiver for a period of one year each after the completion of the period of the plaintiff. In such circumstances, the following order.

ORDER

Notice of motion No.3531 of 2015 is disposed of as follows.

The period of rotation of two years of the defendants as per order dated 25.08.2011 passed in appeal No.274 of 2011 to conduct the suit business jointly for a period of two years is split up and each of the defendant Nos.1 and 2 are entitled to conduct the suit business as an agent of the court receiver for a period of one year each after the expiry of period of one year of the plaintiff.

The period of rotation of the defendant No.1 will commence immediately after the period of the plaintiff.

Date : 30/01/2016.

**(M.S. GUPTA)
Judge, City Civil Court, Bombay.**

Order dictated on: 30/01/2016.

Transcribed on : 30/01/2016.

Signed on : 30/01/2016.

“I affirm that the contents of this PDF file order are the same, word to word, as per the original order.”

Name of the Steno with post :- Mrs.K.P. Dhuri, Stenographer (H.G.)

Name of the Judge with

Court Room No. :- H.H.J. Shri M.S. Gupta, C.R. No.10

Date of pronouncement

of order :- 30.01.2016

Order signed by the P.O.on :- 30.01.2016

Order uploaded on :- 03.02.2016