

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

WRIT PETITION 7236 OF 2021

Shivsamarth Seva Sangh through Members

Viz and Ors.

..... Petitioners

Vs.

M/s. Tayabji Estate Private Limited

and Ors.

..... Respondents

Mr. Uday P. Warunjikar i/b Mr. Rajaram P. Lote for Petitioners.

Mr. Narayan Sahu a/w. Mr. Shrinivasan Mudaliar a/w. Mr. Dinkar Desai i/b Federal and Co. for Respondent Nos.1 and 2.

Mr. D. M. Patil (Section Officer) for Court Receiver present.

CORAM : ROHIT B. DEO, J.

DATE : 28th JUNE 2022.

P. C.

Several issues are raised in this petition *inter alia* the right if any of the petitioners to seek impleadment in the pending suit. However, the learned counsel for the petitioners submitted that there is an emergent situation in as much as the premises which the petitioners are occupying as agents of the Court receiver are in extremely dilapidated condition and unless urgent repairs are carried out considering the advent of monsoon physical safety and security of occupants shall be jeopardized.

2. Heard learned counsel for Respondent Nos.1 and 2. However, I am not inclined to consider the respective contentions

in great detail. I find it appropriate to direct the Court Receiver who is present in the Court to inspect the premises with the assistance of an Architect in the morning hours on 30/6/2022 and to ascertain whether emergent repairs are necessary and if yes, the extent thereof. The representative of the respondents shall be at liberty to be present during the course of inspection. Inspection shall be carried out from 11.00 a.m. onwards.

3. No formal or separate notice shall be issued by the Court Receiver. The Court Receiver shall submit report of the Architect along with the estimate of the expenditure necessary, if emergency repairs are necessary.

4. Stand over to 1/7/2022 at 2.30 p.m.

(ROHIT B. DEO, J.)