

Santosh

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

**INTERIM APPLICATION NO. 1115 OF 2020
IN
SUIT NO. 4913 OF 2000**

Riyad Rashid Oomerbhoy & anr.	...Applicants
In the matter between	
Nadeem Majid Oomerbhoy	...Plaintiff
Versus	
Riyad Rashid Oomerbhoy & ors.	...Defendants

Mr. Kirti Munshi, a/w Z. A. Jariwala and Genesh Ambekar,
i/b MDP & Partners, for the Plaintiff.
Mr. Kalpesh Joshi, a/w Nisha Shah, i/b Kalpesh Joshi Asso.,
for Defendant Nos.1(a) and 1(b).
Mr. Karl Tamboly, a/w Mr. Rahul Singh, Pranali Raut and
Varsha Salunkhe, for Defendant Nos.2, 3 and 4(a).
Mr. Kunal Dwarkadas, a/w Nikhil Apte, Ayesha Pinto, i/b
Wadia Ghandy and Co., for Defendant Nos.4(b)(i) and
4(b)(iv).
Ms. Armin Wandrewala, i/b Kanchan P., for Defendant No.6.
Ms. Kejali Mastakar, for the MCGM.
Mr. E. B.Sivakumar, 1st Asst. to Court Receiver, present.

CORAM: N. J. JAMADAR, J.

DATED : 23rd FEBRUARY, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the applicants seeks leave to implead Mrs. Nargis Majid Oomerbhoy (wife of the original plaintiff), who is referred to in the application and in respect of whom certain averments are made.

Leave granted.

Necessary amendment be carried out forthwith.

Re-verification dispensed with.

3. Ms. Wandrewala waives notice for Mrs. Nargis Oomerbhoy, newly impleaded respondent.

4. Ms. Wandrewala seeks time to file affidavit-in-reply on behalf of the respondent.

Two weeks time is granted to file affidavit-in-reply.

5. The applicant shall file affidavit-in-rejoinder, if any, within a week thereafter.

6. By an order dated 30th July, 2001, this Court with the consent of the parties, had directed the Court Receiver to invite bids for the sale of the property of the firm. Pursuant to the said order, few of the properties of the firm have been sold by public auction. The learned Counsel for the parties agreed that the following properties which are included in paragraph No.5 of the order dated 30th July, 2001 remained unsold.

- “1. Flat No.401, 4th Floor, BENHUR, Napeansea Road, Mumbai – 6.
2. Flat No.31, A-Wing, BHARAT NAGAR Co-operative Housing Society Ltd., 1st Floor, Grant Road, Mumbai-7.
3. Flat No.2A, 2nd Floor, ANDROMEDA Co-operative Housing Society Ltd.”

7. The Court is informed that the valuation of the afore-described properties was carried out in the year 2001. Having regard to the passage of time, it may be expedient to have a fresh valuation of the aforesaid properties.

8. M/s. Shetgiri and Associates is appointed as the valuer to carry out the valuation of aforesaid properties. The valuer is requested to submit a report within a period of three weeks.

9. The charges of valuation be, for the present, borne out of the funds which stand to the credit of the suit account.

10. Stand over to 16th March, 2023.

[N. J. JAMADAR, J.]