

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**TESTAMENTARY SUIT NO.2 OF 2003**  
**IN**  
**TESTAMENTARY PETITION NO.381 OF 2002**

Ashok Kumar S. Agarwal & Anr. ... Plaintiffs  
*Versus*  
Vijay S. Agarwal & Ors. ... Defendants

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**Mr. Rishi Daulat**, *i/b Doijode and Associates for the Plaintiffs.*  
**Mr. Nikhil Jaykar**, *with Ms. Anita Irani and Mr. Ruchit Dave, i/b*  
*Vigil Juris for Respondent No.1.*  
**Mr. Rahul Jain**, *i/b Res Legal for Respondent No.2.*  
**Mr. Agte**, *Administrator is present.*  
**Mrs. Pooja Bhaidkar**, *2nd Court Receiver present.*

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**CORAM: G.S. PATEL, J**  
**DATED: 16th June 2016**

**PC:-**

1. It appears that no bids have been received in response to the advertisement for the public auction of Flat No.20, Vijay Mahal, 'D' Road, 57, Churchgate, Mumbai – 400 020. Given the location and the size of the flat, I believe it to be prudent to direct another advertisement inviting bids. Mr. Daulat for the Plaintiffs suggests that the lack of a response is perhaps attributable to the fact that Respondents Nos. 1 and 2 are still occupying the flat in question.

They are, under a previous order, required to vacate it by 15th July 2016, and he suggests that a fresh advertisement should be issued after that date and not before. There is substance to this.

2. Let the Receiver issue fresh advertisement on or after 16th July 2016 on the same terms and conditions but with suitably corrected schedule.
3. List the matter for orders on 25th August 2016.
4. The costs of the advertisement are to be met from the funds in the hands of the Administrator.

**(G. S. PATEL, J.)**