

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

CHAMBER SUMMONS NO.870 OF 2008
IN
COURT RECEIVER REPORT NO.204 OF 2007
IN
NOTICE OF MOTION NO.1706 OF 1998
IN
SUIT NO.1815 OF 1998

Adani Exports Ltd. ...Plaintiff
V/s.
Mrs.Kamlaben M. Desai & Ors.Defendants

Mr.Chirag Balsara with Ms.Usha Gadakar i/b Divya Shah Associates for
the Plaintiff.

Mrs.Gulekar, Section Officer from Court Receiver's office present.

CORAM : S.J. VAZIFDAR, J.
DATE : 9TH OCTOBER, 2009.

P.C. :-

1. This order is limited to a modification of the order dated 19.7.2007 in so far as it directs the Court Receiver to stand discharged in the event of the Plaintiff failing to submit the draft of the particulars and the conditions of sale to the Court Receiver on or before 10.9.2007.

2. It probably remained to be pointed out that as recorded in an earlier order passed by me on 12.8.2002, the Income Tax Department had issued a notice dated 14.11.2000 which prohibits the transfer of the said property without the prior permission of the Tax Recovery Officer. In view thereof, it would not be possible for the Plaintiff to submit the draft of the particulars and conditions of sale to the Court Receiver.

3. Thus the order dated 19.7.2007 is modified to the effect that at this stage the Plaintiff shall not be required to submit the draft of the particulars and the conditions of the sale to the Court Receiver.

4. No other application has been considered by me except as aforesaid. This will be considered by the Court to which the matters are assigned.