

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
CHAMBER SUMMONS NO. 870 OF 2008  
AND  
COURT RECEIVER'S REPORT NO. 204 OF 2007  
AND  
NOTICE OF MOTION NO. 1706 OF 1998  
IN  
SUIT NO. 1815 OF 1998**

Adani Exports Ltd ... Plaintiff  
*Versus*  
Mrs Kamlaben M Desai & Ors ... Defendants

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**Mr Z Behramkamdin, with Mr Vyom Shah, Mrs Devika Bhosle & Ms Saanya Chowkulkar i/b Divya Shah Associates for the Plaintiff.**

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**CORAM: G.S. PATEL, J  
DATED: 8th February 2017**

**PC:-**

1. This Chamber Summons has been pending since 2008. Prayer (a) was for condonation of delay. It is unclear whether it has been granted. I am granting it only because this Chamber Summons has been dormant on the docket of this Court for last 9 years and I can hardly refuse to condone a delay of few hundred days. Prayer (b)

for a review / modification of an earlier order dated 19th July 2007 has already been separately taken care of.

2. There remains prayer clause (c) in which the Plaintiff seeks to have the Court Receiver put the Plaintiff in possession of Flat No. A-7, 2nd Floor, Muni Suvrat Darshan Co-Op Hsg Soc Ltd, Ghatkopar, Mumbai 400 086. This flat admeasures about 945 sq ft. I am told that it is the Receiver alone who is in possession. He seems to have appointed no agent.

3. In fairness, Mr Behramkamdin fairly accepts that there have been subsequent events including the erection of a partition wall separating this flat from one of its neighbouring flats (separately sold in proceedings before DRT-II, Mumbai). All this will need a closer examination. The Receiver is to make a report about the exact status in regard to this flat and its present condition.

4. List the matter on 22nd February 2017.

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