

**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/Applicant

V/s.

Mrs.Kamlaben M.Desai & Ors. ....Defendants

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Mr.Zubin Behramkamdin a/w Mr.Vyom Shah and Ms.Nayna Rane  
i/by Divya Shah Associates for the plaintiff/Applicant.

Mr.P.N.Vora i/by Pramodkumar and Co. for Mr.Viral M.Mithani  
(Noticee).

Mr.Viral M. Mithani- Noticee present in Court.

Mr.Sharad Pai for the defendant no.5-Society.

Mr.R.Y.Sirsikar for BMC.

[Mr.A.G.Tambewagh-Executive Engineer (Building Project) Eastern  
Sub-urban ; Mr.R.C.Prabhu -Assistant Engineer (Water Works) `N'  
Ward, Ghatkopar and Mr.B.M.Rane-Sub-Engineer (Building  
Proposal), L & N Ward, LBS Marg, Vikhroli (West)- Officers from  
MCGM are present in Court]

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**CORAM : K.R.SHRIRAM,J**

**DATE : 6.7.2017**

**P.C.:-**

1 Mr. Pai appearing for the defendant no.5 states that he  
has just handed over a letter to the Advocate for the plaintiff  
informing him that defendant nos.1 & 2 have expired. Mr.Pai states  
that to the best of his clients' information, defendant nos.3 & 4 are the

legal heirs of defendant nos.1 & 2 but they do not know the whereabouts of defendant nos.3 & 4. Mr.Pai seeks leave to file affidavit recording the stand of defendant no.5.

2 Mr.Vora appearing for Mr.Viral M.Mithani (Noticee) who had purchased flat nos.A8 & A9 in a public auction held by Debt Recovery Tribunal, wishes to file an affidavit explaining his clients' stand as to how it was purchased, how much he was really entitled to etc. Mr.Vora also states that the said Mr.Viral M.Mithani has sold flat nos.A8 & A9 to one Mr.Sejal Ashok Shah and Smt.Indumati Arvindkumar Shah. Mr.Vora states that Mr.Ashok Shah is present in Court and son of Smt.Indumati is also present in Court. Mr.Vora states his client will also include details of this fact of sale in the affidavit to be filed.

Mr.Sejal Ashok Shah and Smt.Indumati Arvindkumar Shah should they wish to put forth their case and engage an Advocate, they may do so.

3 Plaintiff seeks leave to add Mr.Viral M. Mithani, Mr.Sejal Ashok Shah and Smt.Indumati Arvindkumar Shah as respondents to the Chamber summons. Leave to amend the Chamber summons granted.

Re-verification dispensed with.

4 Chamber summons with the affidavit in support to be served upon the newly added respondents within two weeks from today. The affidavits mentioned above to be filed within two weeks of receiving the Chamber summons. Rejoinder if any, to be filed within one week thereafter.

5 Despite the order dated 6.6.2017, Mr.Sirsikar for the BMC states only Assistant Engineer (Water Works) and Sub Engineer (B&P) are present in Court. Mr.Sirsikar assures that Assistant Accessor & Collector `N' Ward, Ghatkopar and the Executive Engineer, Eastern Suburb will be present in Court at 4.45 P.M.

7 Mr.Sirsikar states that if Court directs, BMC will file an affidavit. At the same time, Mr.Sirsikar states that photo copy of the file will be provided to the plaintiff's advocate today itself. Plaintiff shall share copy of the file received with the respondent-BMC.

Stand over to 9.8.2017.

**At 4.45 P.M.**

Mr.Sirsikar states that the Executive Engineer, Eastern Suburb Mr.A.G.Tambewagh is present in Court. At the same time, Assistant Accessor & Collector (N) Ward is not present. He shall

remain present in Court tomorrow at 11.00 A.M.

8 Mr. Sharad Pai for defendant no.5 undertakes to file Vakalatnama within one week from today. Undertaking accepted.

**(K.R.SHRIRAM,J)**