

**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.Vyom Shah a/w Ms.Saanya C. i/by Divya Shah Associates for the plaintiff/applicant.

Mr.Sunil Dhond-Section officer-representative of Court Receiver present.

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

**DATE : 6.6.2017**

**P.C.:-**

1 The suit basically is for specific performance of sale of flat being flat no.A-7, Muni Suvrat Darshan Co-operative Housing Society Ltd., Naoroji Lane, Ghatkopar, Mumbai-400 086. The Court Receiver has been in possession of the said flat. There has been confusion/dispute regarding the area of the flat that the Court Receiver has taken possession of. It appears that the partition wall between flat A-7 and the adjoining flats A-8 & A-9 was removed by the original owners. After the Court Receiver took possession under the orders of this court, the Court Receiver erected a dividing wall

between flat nos.A-7 & A-8. It appears that the wall was put on the wrong place and one room that was to be part of flat A-7 became part of flat A-8. Mr.Shah appearing for the plaintiff/applicant states that after repeated correspondence with defendant no.5, it has recently responded by a letter dated 21.2.2017. It seems the society has, however, not provided the plaintiff or the Court Receiver with the sanctioned plan for the flats. Nobody is appearing for the society today. The representative of Court Receiver points out that he has addressed communication to (1) Assistant Engineer (Water Works), `N' Ward, Ghatkopar (East) ; (2) Assistant Assessors & Collector, `N' Ward, Ghatkopar (East) ; (3) Mr.B.M.Rane, Sub-Engineer (B&P), L & N Ward, LBS Marg, Vikhroli (West) and (4) Executive Engineer, Eastern Suburb, LBS Road, Vikhroli (East), but they have also not bothered to respond.

Therefore, on the next date the Secretary of defendant no.5-Society, Mr.Viral M.Muthani who has purchased flat nos.A-8 & A-9 in auction held under DRT and the 4 officers of the Municipal Corporation of Gr.Bombay, mentioned above, shall remain present in person or through an advocate.

Registry to issue notices.

Private notice also permitted.

Stand over to 6.7.2017.

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