

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

**NOTICE OF MOTION NO. 2340 OF 2018**

**IN**

**SUIT NO. 2539 OF 2009**

**ALONG WITH**

**NOTICE OF MOTION NO. 2341 OF 2018**

**IN**

**SUIT NO. 4913 OF 2000**

**ALONG WITH**

**SUIT NO. 4913 OF 2000**

Nadeem M. Oomerbhoy

...Plaintiff

**Versus**

Rashid Sattar Oomerbhoy

(since deceased) & Ors.

...Defendants

Ms.Kirti Munshi a/w. Mr. Z.A. Jariwala, Mr. Ganesh Ambekar i/b. Thakore Jariwala & Associates for applicant/plaintiff in NMS/2340/2018 in S/2539/2009.

Mr. Piyush Raheja a/w. Mr.Z.A. Jariwala and Mr.Ganesh Ambekar i/b Thakore Jariwala and Associates for plaintiff in S/4913/2000.

Mr.Kalpesh Joshi a/w. Ms. Nisha Shah /b Kalpesh Joshi for defendant Nos.1A and 1B.

Mr. Rahul Singh for defendant nos.2, 3, 4(a).

Ms. Uma Palsuledesai, AGP for respondent Nos. 4 to 8-Orig. defendant Nos. 13 to 17 in NMS/2340/2018 in S/2539/2009.

Ms.Rujuta Patil a/w. Ms.Niyathi Kalra, Ms. Sonu I/b. Negandhi, Shah & Himatullah for defendant nos. 10 and 11.

Mr. Kanchan Rane, First Assistant to Court Receiver present.

**CORAM : N.J. JAMADAR, J.**

**DATE : 15<sup>th</sup> JANUARY 2020**

**P.C.**

1. Notice of Motion No.2340 of 2018 in Suit No. 2539 of 2009 and Notice of Motion No. 2341 of 2018 in Suit No. 4913 of 2000 have been taken out in the year 2018, seeking *inter-alia*, directions to the Court Receiver to take over physical possession of the suit property.

2. The learned counsels for defendant Nos.1A and 1B and defendant Nos. 2, 3, and 4(a) seek time to file an affidavit in reply.

By way of final indulgence, two week's time is granted.

3. The learned counsel for the applicant submits that the defendant No.5 is in possession of the suit flats and defendant No.5 has not deposited the amount of royalty of Rs.53,000/- per month since March 2018.

4. The defendant No.5 has been served and an affidavit of service is filed on 30<sup>th</sup> January 2019.

5. List the matter on 29<sup>th</sup> January 2020.

[ N.J. JAMADAR, J. ]