

Yugandhara Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 2341 OF 2018
IN
SUIT NO. 4913 OF 2000

Nadeem M. Oomerbhoy ...Plaintiff
V/s
Rashid Sattar Oomerbhoy
(since deceased) & Ors. ...Defendants

Mr. Piyush Raheja a/w. Mr. Z.A. Jariwala, Mr. Ganesh Ambekar i/b
Thakore Jariwala & Associates for plaintiff.

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

Mr. Rahul Singh a/w Ms. Pranali Raut for Defendant Nos. 2,3,4(a).

Mr. Sayed i/b Mr. A.A. Maniyar for defendant No. 4(b).

Mr. N.A. Bhandodkar, second Assistant to Court Receiver present.

CORAM : N. J. JAMADAR, J.

DATED : 29th JANUARY, 2020

P.C. :

1. The learned counsel for defendant No. 1(a) has tendered an affidavit in reply on behalf of defendant No. 1(a).

2. The learned counsel for defendant Nos. 2, 3 and 4(a) has also tendered an affidavit in reply on behalf of defendant Nos. 2,3, and

4(a). The affidavits in reply are taken on record.

3. The learned counsel for defendant No. 4(b) Mr. Sayed holding Advocate for Mr. A.A. Maniyar, seeks time to file an affidavit in reply of defendant No. 4(b).

4. By way of final indulgence, two weeks time is granted to defendant No 4(b) to file an affidavit in reply.

5. Officer of the Court Receiver Mr. N.A. Bandodkar, informed the Court that defendant No. 4(b) Anwar has deposited a cheque for an amount of Rs. 9,54,000/- drawn on HDFC Bank, Marine Drive Branch, towards payment of royalty for the month of April 2018 to September 2018 in respect of flat No. 2A, 2nd floor, Andromeda Co-operative Housing Society Ltd, Worli.

6. The learned counsel for the applicant submits that the monthly royalty of Rs. 1,76,733/- has not paid since the month of June 2015 in respect of the flat located at Soona Mahal.

7. Defendant Nos. 1 (a) and 1(b) shall make statement as regards the payment of aforesaid royalty amount within a period of two

weeks.

8. The applicant is at liberty to file rejoinder,, if any, to the replies to be filed on behalf of defendants within a one week thereafter.

9. Stand over to 26th February 2020.

(N. J. JAMADAR, J.)