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SLP(C)No. 7608 OF 2000
ITEM No.1

Court No. 4

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A.No.5 in Petition(s) for Special Leave to Appeal (Civil) No.7608/2000

HIMANSHU SURESHCHANDRA JHAVERI

Petitioner (s)

VERSUS

USHA SURESHCHANDRA JHAVERI & ORS.

Respondent (s)

(With Appln(s). for clarification dt. 26.08.2003)

I.A.No.6 (application on behalf of advocate for seeking discharge in the matter)

Date : 21/11/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE

HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner (s)Mr. Mahesh Agarwal, Adv.

Mr. Rishi Agrawal, Adv.

Mr. E.C. Agrawala,Adv.

Mr. Manu Mrishnan, Adv.

For Respondent (s)

Mr. S.S. Khanduja,Adv.

Mr. Jay Savla.,Adv.

Ms. Reena Baggar, Adv.

Ms. Purnima Bhat,Adv.

UPON hearing counsel the Court made the following

O R D E R

The grievance of the applicant in I.A.No.5/2003 is that in spite of the specific condition imposed in Para 4 of our order dated 26th August, 2003 to the effect that the

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amount receivable from Panchratna Property should be collected by the applicant, the respondent herein has moved notice of motion before the High Court permitting her to collect the said amount. There is no need for us to make any clarification in regard to the said order of ours, since we are of the opinion that the said order is clear in its terms and it is for the concerned court to give effect to the said order and deal with the application filed by the respondent appropriately.

The next prayer in the above application is that in spite of our direction in Para 5 of the said order of ours dated 26th August, 2003, the receiver has not handed over the possession of the property to the applicant on the ground that there is no formal order of discharge of the receiver. If the reason of the receiver for not handing over the possession to the applicant is as stated in the present application the proper remedy for the applicant will be to proceed against the receiver for disobeying the order of this Court and not ask for clarification of the said direction.

With the above observations, I.As. are disposed of.

(PAWAN KUMAR)
COURT MASTER

(PREM PRAKASH)
COURT MASTER