

Ots Ltd. Vs. Mps Greenery Developers Ltd. and ors.

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SooperKanoon Citation : sooperkanoon.com/1154298

Court : Kolkata

Decided On : Jul-03-2014

Judge : I. P. Mukerji

Appellant : Ots Ltd.

Respondent : Mps Greenery Developers Ltd. and ors.

Judgement :

ORDER

SHEET GA No.633 of 2014 With CS No.43 of 2014 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE OTS LTD.Versus MPS GREENERY DEVELOPERS LTD.& ORS.BEFORE: The Hon'ble JUSTICE I.P.MUKERJ.Date : 3rd July, 2014.

Appearance: Mr.Abhrajit Mitra Sr., Adv.Mr.S.Ghosh, Adv.Mr.Mainak Bose, Adv.Mr.Ricky Roy, Adv.The Court: Mr.Abhrajit Mitra, learned Senior Advocate shows me the report of the Joint Special Officers dated 11th June, 2014.

It appears therefrom that up to 2nd April, 2014 the vehicle with registration no.WB33B5397 was registered in the name of MPS Greenary Developers LTD.It is now in the name of Mahammad Siraj.

The vehicle WB33B5578 was registered till 10th March, 2014 in the name of MPS Greenery Developers LTD.and up to 20th March, 2014 in the name of S.

Mullick.

The present owner is one Aftab Alam.

Mr.Mitra submits that after the order of injunction, and the appointment of Joint Special Officers to be in symbolic possession of the vehicles, the above transfer has been made.

Mr.Bose learned Advocate submits that the transfers were in all probability made before the date of the injunction order but recorded after the same was made.

Whether there was violation of the injunction order or not will come out after exchange of affidavits.

But as of now the record shows registration of transfers after the date of injunction.

On this evidence alone, I direct the Joint Special Officers to take actual physical possession of the other four vehicles and to keep them in a garage or garages to be provided by the petitioner at their cost until further orderS.The Joint Special Officers will be further entitled to ad hoc remuneration equal to the initial remuneration received by them to be paid by the same party and in the same manner.

The registering authority will not register any further transfer in respect of the said two vehicles the particulars whereof are described in the application and in the Receivers report.

Affidavit in opposition is to be filed by 17th July, 2014.

List this application on 4th August, 2014.

Affidavit in reply may be filed in the meantime.

Certified photocopy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(I.

Sp/ P.

MUKERJI, J.)

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