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

CHAMBER SUMMONS NO.561 OF 2015
IN
ARBITRATION PETITION NO.1120 OF 2014

L & T Finance Limited	...Petitioner
V/s.	
Shekhar Chandrakar & Anr.	...Respondents

Mr.Nilesh Gala i/b Law Square for the Petitioner.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 14TH OCTOBER, 2015.

P.C. :-

1. Learned counsel appearing for the applicant states that the respondents are served with the copy of this chamber summons and also notice. None appeared for the respondents. No affidavit in reply has been filed.
2. By this chamber summons, the applicant seeks discharge of the Court Receiver and permission to sell the suit vehicle by private treaty.
3. By an order dated 2nd December, 2014, this Court had appointed the Court Receiver in respect of the suit vehicle with a direction to appoint the respondents as an agent of the Court

Receiver and if the respondents did not communicate their readiness and willingness to act as an agent of the Court Receiver within a period of two weeks from the date of receipt of communication of the order, this Court granted liberty to the applicant (original petitioner) to apply to the Court for further orders, including the sale of the assets by private treaty.

4. Pursuant to the order passed by this Court on 21st August, 2015, the Court Receiver vide his letter dated 25th August, 2015 once again gave an opportunity to the respondents to act as an agent of the Court Receiver and to communicate their readiness within a period of two weeks from the date of receipt of the said letter. It appears that there is no response to the said letter dated 25th August, 2015 from the respondents.

5. Learned counsel appearing for the applicant states that pursuant to the interim order passed by this Court, the Court Receiver has already taken possession of the suit vehicle and the same is handed over to the applicant to be kept in safe custody.

6. The Court Receiver is accordingly discharged in respect of the suit vehicle without passing of accounts and on payment of costs, charges and expenses, if any, by the petitioner. The Court Receiver is directed to convey such costs, charges and expenses within two weeks from the date of communication of this order. The applicant

shall pay such costs, charges and expenses within four weeks from the date of such communication of such charges by the office of the Court Receiver.

7. The applicant is permitted to sell the suit vehicle by private treaty and to adjust the sale proceeds thereof against the alleged dues of the applicant from the respondents which shall be without prejudice to the rights and contentions of both the parties. The applicant shall give an opportunity to the respondents to participate in the bid and if the bid of the respondents is highest, the same shall be considered.

8. The chamber summons is disposed of in aforesaid terms.
No order as to costs.

(R.D. DHANUKA, J.)