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

COURT RECEIVER'S REPORT NO.635 OF 2015
IN
ARBITRATION PETITION NO.112 OF 1997

Smt.Surajben N. Shah & Ors. ...Petitioners
V/s.
Ashok B. Ghosh & Ors. ...Respondents

Mr.Abhijeet Rane for M/s.Nadkarni & Co. - Valuer.
Mr.Rajendra Y. Shah – Petitioner No.3 present.
Mr.G.G. Ketkar, 1st Assistant to the Court Receiver present.

CORAM : R.D. DHANUKA, J.
DATE : 21ST OCTOBER, 2015.

P.C. :-

1. By this report, the Court Receiver seeks direction to make payment of a bill for Rs.60,186/- to M/s.Nadkarni & Co. against their bill No.2405 dated 29th April, 2002 towards their professional charges from the amount lying in the suit account.

2. The aforesaid valuer was appointed by the office of the Court Receiver, who after visiting the property has submitted their report along with bill dated 29th April, 2002 in the sum of Rs.60,186/-. The said bill however has not been paid till date by the office of the Court Receiver on the ground that the Court Receiver is empowered to make a maximum payment of Rs.25,000/- only in respect of

immovable property however, can pay the higher amount if ordered by the Court.

3. Learned counsel appearing for M/s.Nadkarni & Co. produces a receipt dated 22nd May, 2002 which indicates that the office of the Court Receiver has made payment of Rs.5,000/- to the said M/s.Nadkarni & Co. None of the parties to the proceedings have disputed the amount in last 13 years.

4. In my view the amount of fees charged by M/s.Nadkarni & Co. is reasonable. The said fees will have to be paid which is pending since 2002. The Court Receiver is directed to verify whether any part payment was made to M/s.Nadkarni & Co. as shown in the receipt dated 22nd May, 2002. A copy of the said receipt shall be forwarded to the office of the Court Receiver by M/s.Nadkarni & Co. within one week from today. After verifying the said position, the Court Receiver is directed to pay the balance amount if the said amount of Rs.5,000/- has already been paid, otherwise full amount as claimed in the bill issued by M/s.Nadkarni & Co. within two weeks from today. It is made clear that such amount shall be made out of the suit account.

5. The Court Receiver's Report is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)