

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 4263 OF 2015
IN
FIRST APPEAL NO. 250 OF 2010**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Mohan Naik for the applicant.

Mr. A.S.Karwande for the respondent.

Mr. V.S. Panandikar, Asst. to Court Receiver present.

CORAM : K. K. TATED, J.

DATED : 16/02/2016

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by the plaintiff for permission to carry out the repairs of the suit structure i.e. Shop no. 15, Bharat Coffee House, situated at Mantri Chawl, Worli Naka, Mumbai – 400018 as per report of Court Receiver dated 20.04.2015.

3 The learned counsel for the applicant submits that this court appointed Court Receiver in respect of suit property and the applicant is in possession of the same as an agent of the Court Receiver. He submits that Court Receiver has visited the suit property and prepared the report dated 20.04.2015 that suit property is required some repairs. Hence, the

applicant preferred the present Civil Application to allow applicant to carry out appropriate repairs and/or direct Court Receiver to do the same.

4 On the other hand, the learned counsel for the respondent filed his Affidavit-in-Reply dated 04.02.2016 to oppose the present Civil Application. In entire affidavit-in-reply, respondent has not stated any ground why he wants to oppose the present Civil Application. His main contention is to increase the royalty by 30% or allow to act the respondent as agent of the Court Receiver. That cannot be considered in the present Civil Application.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and the report dated 20.04.2015 of the Court Receiver, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

6 Hence, the following order:

a) Applicant is permitted to carry out the appropriate repairs of the suit property as per Court Receiver's Report dated 20.04.2015 under the supervision of the Court Receiver at his cost and consequences.

b) Civil application stands disposed off accordingly.

(K.K.TATED, J.)