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

**COURT RECEIVER'S REPORT NO.32 OF 2016
IN
TESTAMENTARY PETITION NO.1133 OF 2014**

Hemant Jayant Shah ...Plaintiff/Applicant.

V/s.

HDFC Bank Limited & Ors.

...Respondent

Dr. Birendra Saraf a/w Mr. Rohan Savant, Anand Chovatia, Ms. Sheetal Mehta i/b. Y. N. Adhia for the Plaintiff.

Mr. Shanay Shah a/w Mr. Akshay Doctor i/b. Desai & Diwanji for Respondent nos.2 & 3.

Mrs. P.P. Bhaidkar, 2nd Asstt. to Court Receiver.

CORAM : A. K. MENON, J.

DATE : 2ND FEBRUARY, 2016.

PC.:

Notice of motion has already been disposed of vide order dated 13th August, 2015. The Court Receiver was appointed for the limited purpose of executing the leave and license agreement that was in contemplation, at the material time. The Court Receiver is not appointed for the property of the flat although the parties were willing to abide by the proposed arrangement namely that of letting out of the flat after Mr. Mashruwala had got the flat painted.

2] Today, the counsel on behalf of Mr. Mashruwalla states that the proposed licensee is no longer interested in taking the flat on leave and license. Dr. Saraf submits that Mr. Mashruwala has not got the flat

painted nor he has removed the movables from his flat as set out in paragraph nos.3 and 4 of the order dated 29th October, 2015. Dr. Saraf states that the petitioner shall now make an application seeking leave of the Court to get the flat painted and thereafter directing a suitable licensee and that the authority granted of the receiver may be continued. In the circumstances, no further orders are required on this report and the same is filed. The petitioner will pay the cost of the report quantified at Rs.3,000/- as well as other costs of the receiver which the receiver will quantify. The same will be paid by the petitioner within two weeks of the Receiver quantifying the same.

3] From the order dated 29th October, 2015 it is seen that Mr.Mashruwala has transferred an amount of Rs.15,00,000/- into his account from the account of the deceased and liberty had been given to him to spend from the said amounts for getting the flat painted. In the circumstances, the amounts payable to the Receiver shall be paid out of the funds presently lying with Mr. Mashruwala. Mr. Mashruwala shall also file accounts in respect of the said sum of Rs.15,00,000/- within a period of two weeks from today.

(A. K. MENON, J.)