

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COURT RECEIVER'S REPORT NO. 42 OF 2014

IN

SUIT NO. 1023 of 2008

Smt. Madhavi K. Desai and another

.Plaintiffs

vs.

M/s. R.J.Constructions

... Defendant

Along with

COURT RECEIVER'S REPORT NO. 42 OF 2014

IN

Suit Nos.2793 of 2008, 2794 of 2008, 2164 of 2008,2123 of 2008 and BCC Suit No. 338 of 2014.

Mr. G.B. Kedia for the Plaintiffs in Suit Nos.1023 of 2008 (Flat No. 401), 2793 of 2008 (Flat No. 601), 2164 of 2008 (Flat No. 502) and Suit No. 2123 of 2008 (Flat No. 701).

Deepak Shukla, instructed by Mr. Vinod Mistry, for the Plaintiff in Suit No. 2794 of 2008 (Flat No.602).

Mr. David S.Dabree, instructed by Mr. B.A.Rumao, for the Plaintiff in BCC Suit No. 338 of 2014 (Flat No.C-301).

Mr. S.S. Deshpande, Court Receiver, along with Mr. B.J. Deshmane, Court Receiver's office present.

Mr. Haresh Mohanlal Joshi, Partner of Defendant is present.

Mr. R.Y. Sirsikar, for the Municipal Corporation of Gr. Mumbai.

Mr. Sachin Bhujbal, Sub-Engineer, and Shri More, Executive Engineer, of MCGM present.

Purchasers of Flat Nos. 301, 401, 502, 601, 602 and 701 present.

CORAM: S.J. KATHAWALLA, J.
DATE: 11th January, 2016.
(In Chamber)

P.C.:

1. The undertakings filed by the Plaintiffs in Suit Nos. 1028 of 2008, 2793 of 2008 and 2794 of 2008 are taken on record. The undertakings are accepted. The Advocates appearing for the Plaintiffs in Suit Nos. 2164 of 2008, 2123 of 2008 and 338 of 2014 state that the Plaintiffs therein shall file their undertakings within a period of one week from today. The statements are accepted.
2. Since part occupation certificate is issued by the Mumbai Municipal Corporation in respect of Flat Nos. 401, 301, 601, 602, 502 and 701, the Court Receiver shall put the respective flat purchasers in respect of Flat Nos. 401, 301, 601, 602, 502 and 701, subject to them paying the costs, charges and expenses of the Court Receiver and the amounts due to Mr. Amol Shetgiri, Architect as of date within a period of two weeks from the date of this order. The Defendant shall pay his share of fees to Mr. Amol Shetgiri also within a period of two days from today.
3. If the Court Receiver is satisfied that any amount is due and payable by the flat purchasers to the Defendant, he shall direct them to do so. In the event of there being any dispute qua such payments, liberty to apply.
4. The Court Receiver's Report is accordingly disposed of with liberty to the Court Receiver to file a fresh report, if required.

All concerned to act on an ordinary copy of this order duly authenticated by the Learned Associate of this Court.

(S.J. KATHAWALLA, J.)