

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.622 OF 2016

IN

ARBITRATION PETITION NO.1099 OF 2013

L & T Finance Ltd.

... Petitioner

V/s.

Mr. Manoj Jagannanath Pawar
& Ors.

... Respondents

Ms. Shakuntala Joshi a/w Ms. Nikita Pawar a/w Ms. Jalpa Pithadia i/b M/s. S.I. Joshi & Co. for the Petitioner.

G.G. Ketkar, 1st Assistant to the Court Receiver, present.

CORAM : S.J. KATHAWALLA, J.

DATED : 22nd July, 2016

P.C.

1. On 30th July, 2014 this Court passed a detailed order in the above Petition and appointed the Court Receiver, High Court Bombay as Receiver in respect of the vehicle described at Exhibit-F to the Petition. The Court Receiver was directed to give an option to the Respondents in writing to act as Agents of the Court Receiver in respect of the said vehicle. The Respondents were granted two week's time to exercise the said option. It is further provided in the said order that if the Respondents do not

communicate their willingness to the Receiver to act as agents within the prescribed period, the Court Receiver to take forcible possession of the vehicle and the Petitioner shall be at liberty to apply to the Court for further orders including the sale of the vehicle by private treaty.

2. Accordingly, the Court Receiver issued notice to the Respondents on 13.08.2014 to exercise their option to act as Agents of the Court Receiver. Since the Respondents failed to exercise the said option, the Court Receiver took forcible possession of the vehicle on 09.12.2015.

3. The Applicant / original Petitioner has taken out the above Chamber Summons for the following reliefs :

(a) The Court Receiver, High Court, Bombay be discharged without passing of accounts on payment of costs, charges and expenses, if any, by the Petitioner.

(b) That the Petitioner be permitted to sell the Suit vehicle by private treaty by calling bids and selling to the highest bidder and sale proceed be allowed to be adjusted towards the dues due from the Respondents.”

4. In view thereof, the above Chamber Summons is allowed in terms of prayer clauses (a) and (b) above. However, it is clarified that before selling the vehicle, the Petitioner shall obtain a valuation report.

5. A copy of this order is directed to be forthwith served on the Respondents by Speed Post AD.

6. The Chamber Summons is accordingly disposed off.

7. All parties, including the Court Receiver to act on a copy of this order, duly authenticated by the learned Associate of this Court.

(S. J. KATHAWALLA, J.)