

Mr. R.M.Rai, for Petitioner.
Ms. Vainita Kakar, for Respondent No.2.
Ms. Pooja Bhaidkar, 2nd Assistant to Court Receiver, present.

DATE: 7th JULY, 2016

1. Heard the learned Advocate for the Petitioner and the Representative of the Court Receiver. Perused the Affidavit in support of the Court Receiver's Report. The learned Advocate appearing for the Respondent No.2 states that the Respondent No.2 is not coming forward to give any instructions in the matter. Also perused the order dated 30th March, 2007 whereunder the Court Receiver, High Court, Bombay was appointed as Receiver in respect of the Suit vehicle and the order dated 23rd October, 2015 (Coram : R.D.Dhanuka, J.) whereunder by consent of the parties, the Court Receiver was directed to handover the sale proceeds of the Suit vehicle to the Petitioner. However, the said amount was not paid to the Petitioner by the office of the Court Receiver on the ground that there was no formal order discharging the

Court Receiver. In view thereof, the Petitioner has taken out the above Notice of Motion seeking discharge of the Court Receiver. In the circumstances, the following order is passed :

- (i) The Court Receiver appointed by an order dated 03-03-2007 stands discharged without passing accounts, but on payment of costs, charges and expenses of the Court Receiver.
- (ii) The sale consideration along with the interest accrued thereon, shall be handed over to the Petitioner.
- (iii) The Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA, J.)