

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

**COURT RECEIVER'S REPORT NO. 166 OF 2016
IN
SUIT NO. 891 OF 2010**

Zulekha William Hutchinson .. Plaintiff
Vs.
Mustafa Haji Abubaker Haji Eisa & Ors. .. Defendants

Ms.Yasmeen Mohd. Sabir i/b Little & Co. for plaintiff.

Ms.Shreya Jha i/b Dhruve Liladhar & Co. for defendant no.1.

Mr.V.R.Tripathi-defendant no.2.

Ms.P.P.Baidkar, 2nd Asstt. to Court Receiver.

**CORAM : K.R.SHRIRAM, J.
DATE : 27TH APRIL, 2016**

P.C.

1 This Court Receiver's Report is for directions as to whether the Court Receiver's office shall conduct survey and inventory as requested by the plaintiff and the defendants except defendant no.2, as per the letter dated 21st December 2015 of Mr.K.H. Parkar, Government approved Valuer and also whether the professional fees of Mr.Parkar be paid or not. Defendant no.2 has raised strong objection and has filed an affidavit affirmed on 21st April 2016. He has alleged that there has been illegal constructions coming up on the suit property and therefore, the Court Receiver should appoint security men to guard the property against such illegal constructions. He has also

stated that there are 400 tenants in the suit property and no reason has been assigned why the property should be surveyed and what benefit the property will get by getting such survey. It is also alleged that the Property Taxes, Land Revenue and other dues to the authorities concerned have not been paid from 2010. The defendant no.1 has no objection to the survey but submits that the amount should not be paid from the suit account and should be paid by the plaintiff personally.

2 By a letter dated 4th February 2016, the Rent Collector who has been appointed by the office of the Court Receiver, has informed the Court Receiver that due to various problems they are finding it difficult to collect the rent. According to them, the two lists that were given to them, have not been serially stated. They have also stated that one of the tenant who is supposed to have occupied a particular room, is mentioned in the list against another room. They have also stated that there are various illegal constructions which are going on. It is also stated that the Court Receiver is unable to pay taxes to the Municipal Authorities, since it is yet to be ascertained which are the rooms/tenants against which taxes are to be paid. Therefore, in my view, it is a fit case where a Surveyor be appointed to take inventory of all the tenants of the suit property. In my view it will also be beneficial to all the parties in the suit. The suit is for administration and

partition.

3 The Court Receiver also states that the fees, as mentioned in prayer clause (b), to be paid the Valuer / Surveyor is as per the schedule of rates prescribed by the office of the Court Receiver.

4 In the circumstances, the Court Receiver's Report is disposed of as under :-

- (a) The Court Receiver to appoint Mr.K.H.Parkar, Government approved valuer;
- (b) Fees of Rs.2,80,000/- to be paid in the suit again and advance as sought may be handed over against the appropriate undertaking from the valuer.
- (c) Costs of the report is also allowed.

(K.R. SHRIRAM, J.)