

ATUL

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
COURT RECEIVER'S REPORT NO. 407 OF 2016
IN
TESTAMENTARY PETITION NO. 577 OF 2008**

Dinesh Vallabhdas Kapadia	...Plaintiff
<i>Versus</i>	
Ramesh Vallabhdas Kapadia	...Defendant

Mr. Ankit Rajput, i/b Mr. Swapan Samdhani, for the Plaintiff.
Mr. R.S. Shaikh, i/b Ms. Swati Margi, for Defendants Nos. 1 to 3.

CORAM: G.S. PATEL, J
DATED: 19th December 2016

PC:-

1. The Plaintiff seeks a 'clarification' in relation to the Court Receiver's charges. This is a coy euphemism for taking a gamble on whether some court will excuse this payment.

2. No clarification is necessary. AK Menon J's order of 18th February 2016 is crystal clear. Paragraph 13(v) lays out how the costs of the Court Receiver are to be borne and divided between the parties. Incidentally, the costs in question are a mere Rs. 5,000/-. I have absolutely no idea why all this energy and judicial time is wasted on a matter such as this.

3. The Court Receiver was compelled to make and place this Report only on account of the application made by the Advocate for the Plaintiff vide his letter dated 15th July 2016 'disputing' these costs. The questions raised include, for instance, "what are 'establishment costs', and why should I, the Plaintiff, pay these?" To begin with, the answer suggests itself. Second, that is not a question the Plaintiff is entitled to ask, since Menon J had already made it unambiguously clear who was to pay what.

4. Now the Plaintiff says he has no objection to paying these costs. Since all of this is his doing, the previous order is now modified and the amount of Rs. 5,000/- will be paid entirely by the Plaintiff. The costs of this Report, impelled as it was by that Advocate's correspondence, and quantified at Rs. 3,000/- will also be paid by the Plaintiff. Payment to be made in full on or before 6th January 2017.

5. The Court Receiver's Report is disposed of in these terms.

(G. S. PATEL, J.)