

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1716 OF 2015
IN
FIRST APPEAL NO. 136 OF 2015**

Mrs.Santoshkumari Ishwarchand Khanna ...Applicant

Versus

Shri Ravindra Ishwarchand Khanna & Anr. ...Respondents

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Ms.Shilpa Madki i/b. Ms.Neha S. Bhide for the Applicant.
Mr.S.V.Sadavarte for Respondent No.1.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: NOVEMBER 28, 2017**

P.C. :

1. This Application is moved for appointment of Court Receiver in respect of the properties, which are mentioned in Schedule "S" and further directions are to be given to utilize the properties on such terms and conditions.

2. Pursuant to the order dated 22.11.2017, this Court has specifically directed both the parties to file a short one paragraph affidavit on oath that at present who is in possession of the building

at Nigdi and Bhosari and who is benefited out of the said properties.

3. Today, the learned counsel for respondent no.1 has produced long affidavit.

4. The learned counsel for the applicant has submitted that the applicant has not come with affidavit because she was not available and attended the family function.

5. I do not find any good ground not to file affidavit.

6. The learned counsel for the applicant has further submitted that respondent no.1 is in possession of these two properties, which are mentioned in Schedule "S", however, he is not paying the taxes.

7. The learned counsel for respondent no.1 has produced the receipts of payment of property tax, which respondent no.1 paying regularly of the properties mentioned in Schedule "S".

8. Considering the submissions and in view of the circumstances, no case is made out to appoint the Court Receiver. Respondent no.1 is directed to file copies of the receipts of payment of property tax of the suit properties mentioned in Schedule "S" alongwith affidavit.

9. Registry to accept the receipts of payment of property tax and affidavit, if filed by respondent no.1.
10. With this, Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)