

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

**CIVIL APPLICATION NO.61 OF 2016
IN
ARBITRATION APPEAL NO.42 OF 2013
WITH
COURT RECEIVERS' REPORT NO.52 OF 2017
IN
ARBITRATION APPEAL NO.42 OF 2013**

Zubin Dorabji Davierwalla	... Applicant
IN THE MATTER BETWEEN	
Perin Hoshang Davierwalla & Anr.	... Appellants
vs.	
Kobad Dorabji Davierwalla & Ors.	... Respondents

Mr. B.K. Bali i/b M/s. Bali Associates for the Applicant/Respondent No.3.

Mr. Akshay Patil with Mr. vishesh Malaviya i/b M/s. Federal & Rashmikan for the Appellant.

Mr. Sushant Yadav i/b Mr. K. Akshar & Co. for the Respondent No.2.

Mrs. Kavita Ambekar, Ist Assistant to the Court Receiver present in the Court.

Coram : **A.A.Sayed, J.**

Date : 10 April 2017

P.C. :

1 By this Application the Applicant-original Respondent No.3 has prayed for withdrawal of 11.33% share of the royalty being deposited by the Appellants with the Court Receiver pursuant to the order dated 7 May 2014.

2 Inasmuch as the credit balance with the Court Receiver now is about Rs.2 Crores, by consent, the Applicant/Respondent No.3,

Appellants and the Respondent No.2 are permitted to withdraw a sum of Rs.30 Lakhs as per their shares from the amount of Rs.2 Crores lying with the Court Receiver as an ad-hoc measure subject to further orders being passed by this Court. It is clarified that so far as the Respondent No.1 is concerned no order is passed in his favour as the learned Counsel for the parties have pointed out that the Respondent No.1 has been receiving a sum of Rs.64,500/- per month under the orders of this Court.

3 The Civil Application is disposed of in the above terms.

4 So far as the Court Receiver's Report is concerned, the same is allowed in terms of prayer clauses (a), (b), (c) and (d). It is clarified that prayer clause (b) is restricted to copies of documents which may be considered relevant by the Chartered Accountant out of the documents in custody of the Appellants. It is expected that the income tax returns of the partnership firm are filed at the earliest and the order dated 7 May 2014 is complied with expeditiously by the Court Receiver.

5 The Court Receiver's Report is also disposed of in the above terms.

(A.A.Sayed, J.)