

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

**COURT RECEIVER'S REPORT NO. 43 OF 2017
IN
ARBITRATION PETITION NO. 1429 OF 2015**

Tata Capital Housing Finance Ltd. Petitioner
vs.
M/s. Dwellin Hospitality India (Pvt.) Ltd. & Ors. Respondents

Mr. Jay Vakil i/b M/s. MDP and Partners for the Petitioner.
Mr. Sidharth Samantaray i/b Jayesh Rathod for Respondent No.2.

CORAM: K.R.SHRIRAM, J.

DATE : 21st JUNE, 2017.

P.C. :

1 Pursuant to the order dated 26.04.2017, representative of the Court Receiver went to take possession of the premises being flat No.401, 3rd floor, the Palm Apartments No.7, Whistling Greens layout, Challaghatta, Bengaluru 560 037, on 16.06.2017. The copy of the Court Receiver's representatives' report which is on record states that the person concerned Mr. Vinod Bichhgoda, respondent No.3 has locked the premises and gone away two days prior to 16.06.2017. Attempt was made to reach respondent No.3 but the telephone was switched off.

2 Mr. Vakil for the Petitioner tenders a copy of an application dated 15.06.2017 filed by the respondents before the

City Civil Court at Bengaluru, challenging the order passed by this Court directing taking possession of the said flat. Mr. Vakil, on instructions, states that this application has been dismissed. Therefore the conduct of respondent No.3 shows that it is a fit case to take physical possession expeditiously.

3 The Court Receiver is directed to revisit the said premises and if the said premises is found locked then paste a copy of the order dated 26.04.2017, Site report dated 19.06.2017 and the copy of this order on the door of the said premises and in addition to place a padlock on the door or take such steps to lock the premises if a padlock cannot be put.

4 All parties to act on a copy of this order authenticated by the Associate of this Court.

5 The Court Receiver's Report No.43 of 2017 is accordingly disposed of in accordance with prayer clauses (a) and (b).

6 If the Petitioners require police assistance, local police Inspector shall co-operate and depute enough police personnel to ensure peace is maintained.

(K.R. SHRIRAM, J.)