

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO. 190 OF 2016
IN
SUIT NO. 517 OF 1966

The Board of Trustees of the Port of Bombay	... Plaintiff
<i>Versus</i>	
Hafiza Begum AH Kadri & Ors	...Defendants

Ms Radha Bhandari, i/b MV Kini & Co for the Plaintiff.
Mr GG Ketkar, 1st Assistant to Court Receiver.

CORAM: G.S. PATEL, J
DATED: 24th January 2017

PC:-

1. On 16th November 2015, Kathawalla J directed the Plaintiff to deposit with the Court Receiver an amount of Rs.48,78,762/-. This was because there were arrears of property tax, repair cess and other dues. There was insufficient balance in the Suit account to meet these dues. The Defendants had not appeared before either the Court Receiver or the Court. The Plaintiff appeared before Kathawalla J and said that the capital value fixed by the Corporation has been confirmed and the tax liability had been correctly fixed. It was in that set of circumstances that Kathawalla J ordered this deposit. He also said that in default the Court Receiver would submit a report seeking discharge after giving notice.

2. Hence this report.
3. Admittedly the Plaintiff has not made this deposit with the Court Receiver. The Defendant has remained absent.
4. In this view of the matter, the Court Receiver stands discharged without passing accounts. He will recover his costs, charges and expenses from the Suit account. The remainder will be refunded to the Plaintiff.
5. The Court Receiver had taken symbolic and formal possession of the Suit property. The Court Receiver will remove his board. He confirms today that he has not taken actual physical possession of or the keys to any of the premises.
6. The Court Receiver's Report is disposed of in these terms.

(G. S. PATEL, J.)