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

COURT RECEIVER'S REPORT NO.111 OF 2017
IN
MISCELLANEOUS PETITION (LODGING) NO.704 OF 2016
IN
TESTAMENTARY SUIT NO.64 OF 2007
IN
TESTAMENTARY PETITION NO.571 OF 2007

Kamlesh H. Shah & Ors.	...Petitioners
V/s.	
Jaswantlal M. Khandar & Ors.	...Respondents

Mr.T.G. Vora i/b Mr.D.R. Mishra for the Petitioners.

Ms.Yogini Gala i/b Harakhchand & Co. for the Respondents.

Ms.K.Y. Ambekar, 1st Assistant to the Court Receiver present.

Mr.Amol Bora - Valuer present.

CORAM : R.D. DHANUKA, J.
DATE : 13TH JULY, 2017.

P.C. :-

1. By this Court Receiver's Report, the Court Receiver seeks direction in respect of the bill of the valuer – Amol Bora & Co. in the sum of Rs.13,35,495/-.

2. The 1st Assistant to the Court Receiver invited my attention to the valuation report dated 4th June, 2016 made by the learned Valuer suggesting the value of the property at Rs.23,10,60,000/-.

Mr.Vora, learned counsel appearing for the petitioners and Ms.Gala, learned counsel appearing for the respondents opposes payment of Rs.13,35,495/- on the ground that the said amount demanded by the Valuer is exorbitant.

3. Upon the query raised by this Court, learned 1st Assistant to the Court Receiver informed that the learned Valuer had visited once to the site situated at Navsari, Gujarat for the purpose of valuation of the land, building and plant and machinery. Mr.Amol Bora, proprietor of Amol Bora & Company is present in person and states that the amount of fees claimed by him is in accordance with the guidelines framed by this Court with effect from 27th July, 2007. He submits that the amount claimed by him at Rs.13,35,495/- is reasonable and in accordance with the said guidelines framed by this Court.

4. A perusal of the guidelines framed by this Court clearly indicates that there is a ceiling of Rs.1,00,000/- for payment of the valuation fees unless otherwise ordered by the Court for special reasons to be recorded by this Court.

5. In my view, the amount of Rs.13,35,495/- claimed by the Valuer is totally exorbitant considering the nature of the work involved and in view of the fact that the learned Valuer has only visited once to the site situated at Navsari, Gujarat. In my view, the Valuer's fees of

Rs.2,00,000/- is reasonable in this case.

6. I therefore, direct the Court Receiver to release the payment of Rs.2,00,000/- towards the Valuer's fees to the learned Valuer within two weeks from today.

7. The Court Receiver is permitted to withdraw the amount of Rs.3,000/- from the said amount lying in the suit account towards the costs of this report.

8. The Court Receiver's Report is disposed of in aforesaid terms.

(R.D. DHANUKA, J.)