

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

COURT RECEIVER'S REPORT NO.193 OF 2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr.Rajendra Jain i/b M/s.Thakore Jariwala and Associates for the plaintiffs

Ms.Nisha Shah i/b Mr.Kalpesh Joshi Associates for the defendant no.1

Mr.Rahul Singh for the defendant nos.2, 3, 4(a) and 4(c)

Mr.D.R.Shetty, Court Receiver,

Mrs.K.Y.Ambekar, 1st Assistant to Court Receiver

CORAM : K. K. TATED, J.

DATE : NOVEMBER 3, 2017

P.C.:

1. Heard.
2. Court Receiver submits that plaintiff in Suit No.4913 of 2000 filed one more Suit before this court being Suit No.548 of 2013. She submits that Court Receiver is made party as defendant no.12. She further submits that plaintiff in that Suit No.548 of 2013 made several allegations against the office of Court Receiver. Therefore, it is

necessary to appoint an advocate to defend the said Suit.

3. The learned counsel for the defendant nos.2, 3, 4(a) and 4(c) vehemently opposed the Court Receiver's Report for appointment of an advocate and spending the amount from the account of Suit No.4913 of 2000. He submits that Court Receiver may be directed to recover the said amount from plaintiff in Suit No.548 of 2013 and direct him to deposit the amount / expenses with the office of Court Receiver for appointing an Advocate and defending the said Suit. He submits that the property involved in the Suit No.4913 of 2000 in which Court Receiver is already appointed is altogether different than involved in Suit No.548 of 2013.

4. On the other hand, the learned counsel for the plaintiff submits that they have no objection if the amount for appointing advocate by the Court Receiver debited in the account of Suit No.4913 of 2000.

5. It is to be noted that in both the Suits No.4913 of 2000 and 548 of 2013 property of M/s.Bombay Soap Factory is involved.

6. Considering these facts, I am of the opinion that Court Receiver may be directed to appoint Advocate from their panel to defend the Suit No.548 of 2013 and spend the amount from the account of Suit No.4913 of 2000. It is made clear

that at the time of finalising the account it is to be decided who will be responsible to bear the expenses of litigation in Suit No.548 of 2013 on account of Court Receiver. Hence, following order is passed:

A) Court Receiver directed to appoint Advocate/Counsel from their panel to defend the Suit No.548 of 2013.

B) Court Receiver is permitted to spend the expenses for appointment of Advocate and Misc.expenses from the account of Suit No.4913 of 2000.

C) Prayer clause (c) is granted which reads thus:

“(c) That the cost of this report be fixed at Rs.3,000/- and the Plaintiff may be directed to deposit the same in the Office of the Court Receiver.”

D) Court Receiver's Report stands disposed of accordingly.

(K.K.TATED, J.)