

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

**COURT RECEIVER'S REPORT NO. 209 OF 2017
IN
TESTAMENTARY SUIT NO. 119 OF 2016
IN
TESTAMENTARY PETITION NO. 1124 OF 2015**

Dr.Harpal Singh	...Plaintiff
Vs.	
Miss Dipti Singh & Anr.	...Respondents

Mr.Ravi Gandhi I/b. Kanga & Co. for Plaintiff.
Mr.S.N. Fadia for Respondent – HDFC Bank.
Mr.D.R. Shetty, Court Receiver with Dr.M.S. Deshpande, OSD

CORAM : S.C. GUPTE, J.

DATE : 3 NOVEMBER 2017

P.C. :

This Court Receiver's report seeks directions in respect of sale of a residential flat ordered by this court earlier. There is one sealed offer received in pursuance of the public notice issued by the Receiver on 20 September 2017. The offer was opened by this court on the last date. The offer was from Mrs.Raunaque Qaiser and Md.Qaiser Jamal, who originally offered to pay a sum of Rs.68 lakhs. On the last date, when the offer was perused by this court, a third party, one Mr.Khadke, appeared in person and offered to buy the property for Rs.70 lakhs. Mr.Khadke was directed to bring a demand draft of Rs.7 lakhs on the next date and the matter was stood over to today's date. Today Mr.Khadke does not bring the draft. He instead requests for keeping back the matter, saying that the draft is on its way. At 1.50 p.m., when the matter is once again called out, Mr.Khadke is

absent and there is no sign of any draft. In view of what transpired before the court and in consideration of their request to give them a total period of 45 days for payment of the balance amount, the original offerers, Mrs.Raunaque Qaiser and Md.Qaiser Jamal, raise their offer price to Rs.70 lakhs. Since this offer is well above the valuation made by the panel valuer, and there is no other competing offer or party before the court, the offer is accepted. None of the parties to the testamentary petition or the bank has any objection. The sale is accordingly confirmed in favour of Mrs.Raunaque Qaiser and Md.Qaiser Jamal for Rs.70 lakhs. The balance amount of this price shall be paid by the purchasers within 45 days from today. HSBC to make available certified copies of the title documents in respect of the suit flat to Mrs.Raunaque Qaiser and Md.Qaiser Jamal. If this amount is paid, the Court Receiver to execute a conveyance in favour of Mrs.Raunaque Qaiser and Md.Qaiser Jamal. If it is not paid, the EMD amount will stand forfeited. The garage, which is presently occupied by a car, to be vacated and vacant possession of the flat along with the garage to be given to the purchasers, Mrs.Raunaque Qaiser and Md.Qaiser Jamal, upon payment of balance amount. The outgoings of the flat shall be borne by the Court Receiver upto the date of the sale. The outgoings hereafter shall be borne by the purchasers. The distribution of the amount of sale proceeds as between the parties to the testamentary suit will be considered on a fresh report to be prepared by the Court Receiver. Court Receiver's costs, for which a bill be submitted by the Receiver, shall be paid from out of the sale proceeds.

2 The Receiver's Report is disposed of accordingly.

(S.C. GUPTE, J.)