

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2134 OF 2006
IN
FIRST APPEAL NO.98 OF 2004**

Tulsi Construction & Associates & Ors. ... Applicant

IN THE MATTER OF :

Vimalkumar R. Tiwari ... Appellant

Vs.

Tulsi Construction & Associates & Ors. ... Respondents

Mr.Mohit Jadhav h/f Shailesh Kumar for Applicant
Mr.M.M. Sathaye for the Appellant / Defendant No.1
Mr.D.R. Shetty, Court Receiver – present

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JANUARY 16, 2018**

P.C. :

1. The Court Receiver is present in Court. He informs that pursuant to the order of this Court dated 9.1.2018, the Office of the Court Receiver gave notices to the appellant as well as the respondent. Mr.Mohit Jadhav appears for the applicant so also, Mr.Sathaye, learned Counsel for the appellant i.e., original defendant No.1 is present. Mr.Sathaye submits that there is no communication from his client.

2. The Court Receiver informs that Appellant / defendant No.1 Vimalkumar Tiwari is in arrears since September, 2010 and the Court Receiver had fixed the royalty of Rs.8,000/- per month, by orders dated 2.9.2005 and 1.2.2006. He informs that till December, 2017, the total arrears are Rs.7,04,000/-.
3. In view of the above, the applicant is allowed to withdraw the amount deposited by the appellant, subject to furnishing a usual undertaking and outcome of the appeal.
4. List the appeal for hearing alongwith the Civil Application No.789 of 2003 on 6.2.2018.
5. Civil Application is disposed of.

(MRIDULA BHATKAR, J.)