

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO. 9 OF 2018**

**IN
SUIT NO. 1850 OF 2001
WITH
SUIT NO. 1850 OF 2001**

Rajendra D Momaya ...Plaintiff
Versus
Mahendra D Momaya ...Defendant

Mr P Ranjan, *i/b Halai & Co, for the Plaintiff.*
Mr Nimit Shah, *son of Defendant, present.*
Mrs Kavita Ambekar, *Ist Assistant to the Court Receiver, present.*

CORAM: G.S. PATEL, J
DATED: 4th June 2018

PC:-

COURT RECEIVER'S REPORT NO. 9 OF 2018:

1. The prayer for consideration today is prayer clause (c) which is in regard to the property tax and water bills. The Court Receiver seeks directions that the Plaintiff and the Defendant in this partition Suit be directed to make payment of those bills in equal shares. The son and Constituted Attorney of the Defendant is present. He says

that the property tax and water bills have been paid till date. He has a statement of account. He says also that these particulars have been communicated by the Defendant directly to the Plaintiff under cover of a letter dated 10th July 2017. A copy of this is also available in the records of the Court Receiver. Since, therefore, the property tax and water bills have been paid, no further directions are required on prayer clause (c).

2. Nothing else remains in the Court Receiver's Report. It is disposed of accordingly.

SUIT NO. 1850 OF 2001:

3. By consent the Suit is taken on board. The Defendant has not yet filed a Written Statement. There is a considerable delay. The Defendant through his Constituted Attorney and son attempts to explain this delay saying that during the time when the Plaintiff was the Court Receiver's agent, he created various third party rights in the property that is the subject matter of this Suit, thus, making it difficult to put together a cogent Written Statement. I do not believe this is reason enough not to file a Written Statement at all. In the Written Statement the Defendant is always at liberty to enter such qualifications to his pleadings as he thinks fit. He cannot, however, indefinitely postpone the final disposal of a partition Suit simply by not filing Written Statement.

4. As a final opportunity and since the Defendant is represented by his son who is not an Advocate, I will give the Defendant time till

23rd July 2018 to file Written Statement and will list the Suit on that day for further directions.

(G. S. PATEL, J)