

Nirupama Yogesh Kanani and Anr. ... Plaintiffs
versus
Deven Yogesh Kanani and Anr. ... Defendants

Mrs.Sunita Gadkar, Master (Admn) present.

CORAM: S.J. KATHAWALLA, J.

DATE: 6th MARCH, 2018

P.C.:

1. The Plaintiffs are the senior citizens and are the parents of Defendant Nos.1 and 2. The Suit is filed by the Plaintiffs for dissolution of the partnership firm and for accounts. A Notice of Motion was taken out in the above Suit being No.462 of 2017 seeking ad-interim/interim reliefs. In the said Notice of Motion this Court (Coram : S.C.Gupte, J.) passed an order dated 13-10-2017 which reads thus :

“ Heard learned Counsel for the parties.

2. *This Notice of Motion is taken out in a suit for dissolution of partnership and accounts. Since the partnership and the respective shares of the partners are admitted, a Court Receiver can be appointed of the*

business and property of the partnership firm. None of the parties has any objection for appointment of Court Receiver. Court Receiver, High Court Bombay, is appointed as receiver of property and business of the partnership firm of Hienna Pharmaceuticals. The Court Receiver shall appoint Defendant No.1 as the agent of the Court Receiver on payment of royalty without any security. The offer of royalty shall be made by Defendant No.1 within a period of six weeks from today. After considering the request and hearing the Plaintiffs, the Court Receiver to place his report for directions before this Court for further orders. In case Defendant No.1 does not indicate any concrete proposal of royalty within a period of six weeks from today, the Court Receiver to advertise the property for renting it out to third parties and thereafter seek further directions of the Court. In that case, both Defendant No.1 and the Plaintiffs will be at liberty to procure offers from third parties for renting out the property of the firm. The Notice of Motion is disposed of accordingly.”

2. The Defendant No.1 has informed the Court that he is not interested in carrying on the business of the partnership firm as an agent of the Court Receiver for want of funds. In view thereof, as already provided in the order dated 13-10-2017, the Court Receiver shall forthwith take possession of the partnership premises and assets of the firm and shall advertise the property for renting it out to the third party and thereafter, seek further directions from this Court. As already provided in the order dated 13-10-2017 both Defendant No.1 and the Plaintiffs will be at liberty to procure offers from third parties for renting out the property of the firm. The parties shall

have a meeting with the Court Receiver on 12th March, 2018 at 5.00 p.m., to decide the modalities qua the implementation of the directions given herein. The Court Receiver shall be at liberty to proceed with the meeting also take decisions if the parties and/or their Advocates do not appear before the Court Receiver and choose to remain absent.

3. Hearing of the Suit is expedited. Place the Suit for Framing of Issues on 14th March, 2018 after the ad-interim matters.

4. The above Court Receiver's Report is accordingly disposed of. The Advocate for the Plaintiffs shall pay cost of the Report to the Court Receiver within a period of two weeks from today.

(S.J.KATHAWALLA, J.)