

psv

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

**CHAMBER SUMMONS NO.1350 OF 2018
IN
ARBITRATION PETITION NO.388 OF 2015**

Tata Capital Financial Services Ltd.	..Applicant
In the matter between	
Tata Capital Financial Services Ltd.	..Petitioner
Vs.	
Rama Devi Gollu & Ors.	..Respondents
And	
The Court Receiver, High Court, Bombay	..Respondent No.6

Mr.Nikhil Mehta i/b. M/s.KMC Legal Venture for Petitioner.
None for Respondents.

CORAM : G.S. KULKARNI, J.

DATE : 6th DECEMBER, 2018

P.C.:

Heard learned Counsel for the applicant.

2. By this chamber summons, the applicant/petitioner has prayed for discharge of the Court Receiver, High Court, Bombay, appointed as a Receiver in respect of the mortgaged property forming the subject matter of the present petition, in pursuance of an order dated 1 July 2015 passed by this Court in the above arbitration petition.

3. In the affidavit in support of the chamber summons, the applicant

has stated that in the intervening period, the applicant/petitioner had invoked arbitration proceedings against the respondents and that the said arbitration proceedings have culminated into an award dated 15 October 2015. The petitioner now desires to discharge the Court Receiver, High Court, Bombay, as the petitioner now intends to initiate an action under Section 36 of the Arbitration and Conciliation Act, 1996.

4. Considering the averments as made in the application, it is in the interest of justice that the chamber summons is allowed. It is accordingly allowed of in terms of prayer clause (a). The Court Receiver, High Court, Bombay, is discharged without passing accounts. However, the petitioner shall pay the costs/fees/charges of the Court Receiver, High Court, Bombay, as may be informed by the Court Receiver to the petitioner within 2 weeks. On such intimation by the Court Receiver, the charges be paid within two weeks, which shall be a condition precedent for discharge of the Court Receiver.

5. The chamber summons is disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]