

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

NOTICE OF MOTION NO. 404 OF 2016

IN

SUIT NO. 55 OF 2016

Mr. Shrirang Harihar Kulkarni ...Plaintiff/Applicant

Vs.

Shridhar Ramkrishna Kulkarni & Ors. ...Defendants

Mr. Vishal Kanade with Gargi Bhagwat I/b. Divekar Bhagwat & Co. for
Plaintiff.

Mr. Ajit Karwande for Defendants.

CORAM : S.C. GUPTE, J.

DATE : 20 FEBRUARY 2018

P.C. :

Heard learned Counsel for the parties.

2 Since the co-ownership of the parties is not in dispute, at least, as far as the land and a substantial part of the structure is concerned, this is a fit case for appointment of Court Receiver. Accordingly, Court Receiver, High Court, Bombay is appointed as Receiver. The Receiver shall collect the entire rent in respect of the suit property. The taxes and outgoings of the property shall be paid through this rent and the surplus shall be deposited in the court. The amount deposited in court shall be invested by the Prothonotary & Senior Master in Fixed Deposit/s of Nationalised Bank/s initially for a period of thirteen months and renewable thereafter from time to time and to abide by further orders that may be passed in the present suit. The Court Receiver shall make a report on the DRT proceedings as well as Income Tax proceedings in respect of the property. The Court

Receiver shall also make a report on surrender, if any, of the tenancies by the Defendants.

3 Learned Counsel for the Defendants submits that the Defendants have incurred costs for reconstruction of the building. If that is so, that is a matter of accounts and it will be dealt with in the final orders that may be passed in the suit.

4 The notice of motion is disposed of accordingly.

(S.C. GUPTE, J.)