

Sharayu Khot.

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

SUIT NO. 371 of 1982

WITH

COURT RECEIVER EXECUTION NO. 371 OF 1982

IN

SUIT NO. 371 of 1982

Vasudev Doulatram Chhabria

Deleted

Manohar Vasudev Chhabria

...Plaintiff

Versus

Ramchand Doulatram Chhabria

Deleted

Nandlal Ramchand Chhabria & Ors.

...Defendants

Mr. Mikhail Behl, i/by Desai Legal, for the Plaintiff.

Mr. Meet Vora, i/by M/s. Navdeep Vora and Asso., for the Defendants No. 1 to 3.

Mr. Arsh Mishra, i/by M.V. Kini and Co., for BST.

Mr. Shirish Aagte, Commissioner for Taking Accounts present.

Mr. N.V. Bandodkar, IInd Asst. to Court Receiver present.

CORAM : R.I. CHAGLA J.

DATE : 30 July 2019

ORDER :

1. The Commissioner for Taking Accounts tenders Report dated 27th June 2019 filed pursuant to the order dated 24th June 2019. The Commissioner for Taking Accounts in said Report dated 27th June 2019 has sought directions from this Court that the Plaintiff and Defendants and their Advocates remain present before the Commissioner for Taking Accounts in the next meeting to be fixed and produce relevant documents which are relevant to the accounts of dissolution of partnership as per the preliminary decree dated 6th August 1997 so as to enable the Commissioner for Taking Accounts to draw the statement of accounts and prepare the Report of the capital accounts of each of the partners in accordance with their respective shares as decreed in the preliminary decree.

2. It appears that the Commissioner for Taking Accounts has not been provided with the relevant documents and hence, it would be necessary to issue directions in terms of

prayer clause (a) of the Commissioner's Report dated 27th June 2019.

3. Accordingly, the Commissioner's Report is disposed of in terms of prayer clause (a).

4. The parties are directed to remain present before the Commissioner for Taking Accounts in the next meeting to be fixed by the Commissioner for Taking Accounts along with the relevant documents which are relevant to the accounts of dissolution of partnership as per the preliminary decree dated 6th August 1997.

5. The Court Receiver states that out of Rs. 50,00,000/- to be distributed amongst four parties, an amount of Rs. 25,00,000/- has been distributed between the Defendant No. 2 and Defendant No. 3. However, he states that so far as the balance of Rs. 25,00,000/- is concerned, he is not in a position to distribute the said sums amongst the original Plaintiff and

original Defendant No.1, both of whom have expired, unless the names of the heirs of the original Plaintiff and original Defendant No. 1 is made available to the Court Receiver.

6. Accordingly, the Advocates of the Plaintiff and Defendant No. 1 are directed to furnish the names of the heirs of the original Plaintiff and original Defendant No. 1 respectively to the Court Receiver within a period of one week from the date of this order.

7. In response, the learned Counsel for the Plaintiff as well as the Defendant No. 1 state that the names of the heirs of the original Plaintiff and original Defendant No. 1 have been made available to the Commissioner for Taking Accounts and the same shall be furnished to the Court Receiver by the Commissioner for Taking Accounts.

8. Insofar as the documents are concerned which the Commissioner for Taking Accounts require the parties to furnish,

the learned Counsel for the Plaintiff states that these documents are not available and in any event, the same shall be communicated to the Commissioner for Taking Accounts at the meeting to be fixed by the Commissioner for Taking Accounts. The meeting shall be fixed by the Commissioner for Taking Accounts prior to the next date.

9. List the matter on 14th August 2019 for directions.

[R.I. CHAGLA J.]