

Sharayu Khot.

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

COURT RECEIVER'S REPORT NO. 96 OF 2018

IN

COMMERCIAL SUIT NO. 5 OF 1997

WITH

COMMERCIAL SUIT NO. 2 OF 1997

WITH

COMMERCIAL SUIT NO. 5 OF 1997

WITH

COMMERCIAL SUIT NO. 2963 OF 1997

WITH

COURT RECEIVER'S REPORT NO. 21 OF 2019

IN

COMMERCIAL SUIT NO. 5 OF 1997

Bank of Baroda

...Plaintiff

Versus

M/s. Eastern Enterprises & Ors.

...Defendants

And

**The Inspector of Police G.B. C.B., CID,
Mumbai**

...Respondents

Mr. Zubin Behramkamdin, a/w Mr. Dhawal Patil, i/by K. Ashar
& Co., for the Plaintiff.

Ms. Trupti Surve, i/by Ms. Pinky M. Bansali, for Defendant

No.1 in COMS/2963/97.

Mr. Dinesh Shah, for the Defendant Nos. 1 and 3 in S/2960/97 CRR/694/15.

Mr. Sandeep M. Hirvadekar, i/by A. Bharat & Co., for the Defendant Nos. 4(a) to 4(c) in COMS/5/97, for Defendant Nos. 2(a) to 2(c) in COMS/2/97 and COMS/2963/97.

Ms. Kavita Ambekar, Ist Asstt. Court Receiver present.

Mr. Ajay Malvankar, Mast (Admn) Court Receiver present.

CORAM : R.I. CHAGLA J.

DATE : 24 June 2019

ORDER :

1. There are two Court Receiver's Reports placed before this Court. One being Court Receiver's Report No. 96 of 2018 and the other being Court Receiver's Report No. 21 of 2019 filed in Commercial Suit No. 5 of 1997.

2. Insofar as first Court Receiver's Report is concerned, the learned Counsel for the Plaintiff states that this Report has been worked out as it was filed prior to the order dated 26th March 2019 and the Court Receiver has complied with the order

dated 28th February 2018 and submitted the relevant documents.

3. Insofar as second Court Receiver's Report is concerned, the learned Counsel for the Plaintiff states that this Report also appears to have been worked out as in the order dated 26th March 2019 passed by this Court, the learned Judge discharged the Court Receiver in respect of Flat No. 201 on the 2nd Floor, Vraj Castle, Dhanukarwadi, Kandivali (West), Mumbai – 400 067 without passing of the accounts. Regarding second property i.e. Flat No. 603, Ram Tower, Yogi Nagar, Link Road, Borivali (West), Mumbai – 400 091, this Court had directed the Court Receiver to take formal possession of the said Flat No. 603 and compliance Report was to be placed before this Court on 22nd April 2019. Symbolic possession of the said Flat No. 603 has been taken pursuant to the said order. Hence, these directions regarding two Flats viz. 201 and 603 submitted in the above mentioned address are no longer required to be issued. Further, the learned Counsel for the Plaintiff states that the

Defendants have filed their Affidavits disclosing their title to the other flats which are listed at paragraph 5 of the order dated 26th March 2019.

4. In view of the above, prayer (a) does not lie. So far as prayer (b) is concerned, the same can be granted and the costs of the Reports are awarded in a sum of Rs. 3,000/-.

5. The Plaintiff is directed to pay the sum of Rs. 3,000/- (Rupees Three Thousand only) within a period of one week.

6. Both the Court Receiver's Reports are accordingly, disposed of.

7. All the three Suits be placed for directions on 4th July 2019.

[R.I. CHAGLA J.]