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

COURT RECEIVER'S REPORT NO. 75 OF 2019
IN
TESTAMENTARY PETITION NO. 1039 OF 2010

Zulekha William Hutchinson ..... Plaintiff

VERSUS

Mustafa Haji Abubaker Haji Eisa and Ors. ..... Defendants

Miss Rajni Divekar a/w. Priyanka Pol and Pratik Divekar i/b. Little & Co. for the Plaintiff.

Mr. Mayank Bagla a/w. Nikita Vardhan i/b. Kanga & Co. for the Defendant No.4.

Mr. Vivek Yadav a/w. Mr. Pankaj D. Purwaj for Defendant No.3.

Mr. Nimay Dave, a/w. Ms. Mrunal Dhanani, i/b. Diwakar Gond, for Defendant No.1

Mr. P.K. Nardele, O.S.D., Court Receiver a/w.Mr. D.K. Patil Master (Adm.) is present.

CORAM : A.K. MENON, J.
DATED : 5th SEPTEMBER, 2019.

P.C. :

1. As far as directions sought in respect of property "Farouk Manzil" at Mahim are concerned, the Court Receiver states that property tax

was due and payable on 10th July, 2019. Repair Cess amounting to Rs.1,74,274/- is also due. A total sum of Rs.3,22,957/- is stated to be due. As against this, the amount lying with Court Receiver is only Rs. 3,12,265/-. Considering that the property tax amount can be paid up out of this amount, a Sum of Rs. 1,48,683/- shall be paid towards property tax. The remainder will be paid towards repair cess.

2. As far as property at Dharavi is concerned a total sum of Rs. 37,06,905/- is available. The plaintiff is unaware of the quantum of taxes and left it to Receiver. Receiver submits that the Bills of total tax and repairs of property at Dharavi are not received. The plaintiffs have no objection to payment of property tax. Accordingly, the Receiver will pay taxes as billed.

3. Apropos "Mount view" concerned, the amount claimed is towards property tax is Rs. 13,01,978/- and Rs. 37,712/- towards repair cess. Rent collected is Rs. 3,53,450/-. It is made clear that the property is at the risk of being auctioned in the event of non payment of taxes. The receiver is directed to call upon the occupants to confirm within one week whether they are willing to contribute towards payment of property taxes without prejudice to their rights and contentions. Parties are at liberty to inspect the record in this behalf. Receiver is said to be in symbolic possession. Plaintiff shall accordingly file an undertaking to safeguard the property, failing which it will remain at plaintiff's risk.

4. Costs of the report is allowed to be deducted from amounts available with the Receiver.

(A.K. MENON, J.)