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

**COURT RECEIVER'S REPORT NO.148 OF 2017
WITH
NOTICE OF MOTION NO.744 OF 2014
WITH
NOTICE OF MOTION NO.1151 OF 2014
WITH
NOTICE OF MOTION NO.865 OF 2015
IN
SUIT NO.1253 OF 2011**

NESCO Limited ... Plaintiff
Vs.
Buddhiram Patiraj Vishwakarma & Ors. ... Defendants

Mr. Gautam Ankhad with Mr. V.J. Mehta and Mr. J.S. Shukla i/b
Vaibhav Mehta & Associates for the Plaintiff.
Mr. D.N. Kher, Court Receiver is present.
Mr. Mukul Taly with Ms. Aditi Palnitkar i/b S. Mahomedbhai & Co.
for Defendant Nos.6 to 25, 29, 31 to 61, 63, 64, 66 to 72.

CORAM: R. I. CHAGLA, J.
DATE: 31ST JULY, 2019.

PC:-

1. This Court Receiver's Report is placed before this Court for directions. The learned Counsel appearing for Defendant Nos.6 to 25, 29, 31 to 61, 63, 64, 66 to 72 seeks discharge in the matter. The discharge is accordingly granted. These Defendants shall take steps to appoint new Advocate.
2. The Court Receiver's Report had come up last on 17th July, 2019 when this Court had observed that the directions sought by

the Court Receiver in the report is as to steps to be taken as occupants of rooms / structures Nos.52,,69,12,54,83,26 and 6 have sublet the said rooms / structures to other persons without permission of this Court and the steps to be taken by the Court Receiver regarding one new structure erected between structure No.6 and the compound wall. It has been observed in the said order that several adjournments have been taken in this matter on the ground of settlement and that the Plaintiff and Defendants were seeking further time for settlement. This Court had observed that since there are new structures erected and rooms / structures have been sublet to other persons in violation of orders of this Court, the Court Receiver's Report cannot be indefinitely adjourned as per the whims and fancies of the Plaintiff and Defendants. Accordingly, a serious note would have to be taken of this new development.

Since there is no explanation provided by either the Plaintiff or the Defendants as to these serious charges of violation of Court orders, the Court Receiver shall to take forcible possession of rooms / structures Nos. 52,,69,12,54,83,26 and 6 which room / structures have been sublet to other persons in violation of orders of this Court. The Court Receiver shall also take physical possession of the new structures erected between the structure

No.6 and the compound wall. The physical possession shall be taken by the Court Receiver from whomsoever found in possession of the new structure as well as the rooms which have been sublet. Police Assistance shall be provided to the Court Receiver for purpose of taking physical possession of the rooms / structures and if required, by breaking open the locks of the rooms / structures which have been sublet and the new structure which has been erected between structure No.6 and the compound wall. The cost of and incidental to this report has been fixed at Rs.3,000/- and shall come out of the funds lying with the Court Receiver.

3. Accordingly, the Court Receiver's Report is disposed of in the above terms.

4. The Notice of Motion shall be placed for hearing on 26th August, 2019.

(R I. CHAGLA, J.)