

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

**COURT RECEIVER'S REPORT NO. 250 OF 2019
IN
NOTICE OF MOTION NO. 462 OF 2017
IN
COMMERCIAL SUIT NO. 227 OF 2017**

Nirupama Yogesh Kanani & Anr. ...Plaintiffs

vs.

Deven Yogesh Kanani & Anr. ...Defendants

Mr.Sanjay Udeshi with Simran Wagle i/b. Sanjay Udeshi & Co. for Plaintiffs.

Mr.Abhilash Panickar for Defendant No.1.

Mr.N.A. Bandodkar, 2nd Asstt. to Court Receiver along with Mrs.Sunita Golatkar, Master (Adm.)

CORAM : S.C. GUPTE, J.

DATE : 19 DECEMBER 2019

PC. :

This Court Receiver's report seeks various directions concerning inspection to be given to Defendant No.1 of the record and proceedings maintained by the Court Receiver's office.

2 Initially, a communication was received by the Registry from the Advocate of Defendant No.1 for inspection. The communication was of 15 October 2019. Based on this communication, on five days, i.e. on 7 November 2019, 8 November 2019, 11 November 2019, 14 November 2019 and 20 November 2019, Defendant No.1 was allowed to take inspection. The Court Receiver has made a report to this court that during this inspection, Defendant No.1 was quarreling with the subordinate staff

in an unnecessary manner. It appears that he has personally written four letters to the Receiver's office making various demands. One of his demands includes CCTV footage of the Receiver's office. He has thereafter requested for inspection of outward register and documents sent through it. It is the grievance of the Receiver's office that Defendant No.1 attends this inspection in person and disturbs the smooth functioning of the office. It is in this extraordinary circumstance that a request is made for various directions.

3 Learned Counsel for Defendant No.1 does not admit the allegations made in the Court Receiver's report.

4 Having regard to the circumstances of the case and the applicable Original Side Rules, the following order is passed on the Court Receiver's Report :

(I) The inspection shall be taken by Defendant No.1 of the record of the Court Receiver only through his Advocate; either Advocate himself may attend such inspection or depute another Advocate to take inspection on behalf of Defendant No.1;

(II) CCTV footage of the Court Receiver's office shall not be provided to Defendant No.1;

(III) Inspection of outward register and documents sent through it shall not be provided;

(IV) Costs of an incidental to this report, quantified at Rs.3000/-, shall be paid by Defendant No.1. Such payment must be made within three weeks;

(V) From the record, it transpires that despite an order passed by this court on 6 March 2018, so far the Court Receiver's office does not appear to have taken possession of the partnership assets. The Court Receiver's office is directed to do so forthwith, if not already done so. The possession must be taken latest by tomorrow, 20 December 2019. It is made clear that such possession must be taken without involving any expert as of now for inventory of movables lying within the premises. The Court Receiver may take detailed photographs of the machinery and other articles lying within the premises and preserve the same as part of the Receiver's record and make a compliance report accordingly.

(VI) The parties are put to notice that the Receiver's representative/s shall attend the partnership premises at Mira Road tomorrow, i.e. on 20 December 2019, at 12.00 noon, when the Advocates may either remain present or depute their assistant/s to attend the premises for taking over of possession. It is made clear that under no circumstances, parties shall be allowed inside the premises, whilst the Receiver's office carries out the mandate of this order. The entire exercise of taking over possession shall be videographed by the Receiver's representative and the

videography footage shall be preserved in the Receiver's office for future reference. The costs of the Receiver for this exercise shall be appropriated from the monies lying to the suit account.

(S.C. GUPTE, J.)