

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION NO.2222 OF 2018****IN****SUIT NO.783 OF 2014**

Haldyn Glass Limited ... Applicant/Plaintiff

Versus

Saumyalata Shyama Shetty And Anr. ... Defendants

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Mr. Abhishek Salian, i/b. Vidhii Partners, for the Applicant/Plaintiff.

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CORAM : S.C.GUPTE, J.**DATED : 4 SEPTEMBER 2019****P.C.:**

. This notice of motion seeks a clarification or modification of an order passed on 28 November, 2014 on the Plaintiff's notice of motion. The order *inter alia* requires the Plaintiff to deposit a sum of about Rs.15 lakhs with the Court Receiver for refurbishment of the suit flat, whereafter the Receiver is expected to invite quotations, entrust the work of refurbishment to a suitable agency and, thereafter, appoint an agent for occupation and use of the suit flat. The deposit made by the Plaintiff is to be recouped from the monthly compensation received from the agent. Accordingly, the Receiver is in the process of refurbishing the suit flat. The cost of refurbishment has, however, exceeded Rs.15 lakhs. The Plaintiff submits that it has actually ended up depositing a total sum of about Rs.18 lakhs in the process, and the cost finally may go well over Rs.18 lakhs. It is submitted that directions be issued for recoupment of this whole amount from out of the royalty/compensation received from the Receiver's agent.

2. It is clarified that whatever amounts are expended by the Court Receiver, upon being funded by the Plaintiff, towards refurbishment of the suit flat, shall abide by the directions of this Court in terms of clause (iv) of the order dated 28 November, 2014. The Court Receiver shall, accordingly, reimburse the Plaintiff. This clarification shall apply not only to the expenses incurred by the Plaintiff so far, but any future expenses incurred by the Plaintiff for the suit flat as may be required by the Court Receiver.

3. The notice of motion is disposed of accordingly.

Smita
Gonsalves

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(S.C.GUPTE, J.)