

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

Interim Application No.2/2019

in

Appeal No.517/2019

Basavraj
G. Patil

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Basavraj G. Patil
Date: 2019.12.18
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Lalitkumar D. Chapsey

..... Applicant

Vs.

Nickie Kiran Nanavati

..... Respondent

Mr. R. N. Kachare I/b. Amit Palkar for the Applicant

Mr. Ivor Peter D'Cruz a/w. Mr. Pierree Fernandes for the
Respondent

Mr. D. N. Kher, Court Receiver

Mrs. M. M. Raut, Section Officer, from Court Receiver's
Office

**CORAM: K.K.TATED &
SARANG V. KOTWAL,JJ.**

DATED : DECEMBER 16, 2019

P.C.

1 Heard. By this interim application, the Applicant is seeking permission, initially to spend sum of Rs.3,00,000/- from the estate of the deceased and further direction to the Respondent to bear initial cost of Rs.3,00,000/- being 50% of his share towards the cost of repairs, colouring, giving public notice, maintenance charges and for any other purpose the Court Receiver deem necessary for maintaining the suit property. He submits that this court, by order dated 10.12.2018 in Notice of Motion No.285/2018 directed the Court Receiver to let out the said Flat on leave and license basis so that the parties can earn some income from the said flat. He submits that the Court further directed the

Court Receiver to spend the amount from the license fees, if any, to make the payment of maintenance charges, outgoings to the society. He submits that at present, for want of funds, it is not possible for the Court Receiver to take appropriate steps to let out the said flat on leave and license as per order dated 10.12.2018.

2 The learned counsel for the Respondent seeks some time to file his reply and take instructions whether they are ready and willing to deposit Rs.3,00,000/- with the Court Receiver.

3 At this stage, the learned counsel for the Applicant submits that, the Applicant is ready and willing to deposit sum of Rs.3,00,000/- in the office of the Court Receiver for his expenses, so that he can carry out repairs of the said flat and comply with order dated 10.12.2018 passed by this court in Notice of Motion (L) No.285/2018. He submits that the Sea & Sky Coop. Housing Society Ltd., vide their bill No.548 dated 01.11.2019 called upon the member to make payment of Rs.1,01,427/- towards outstanding society charges. He submits that the Court Receiver also requires some amount to give an advertisement in newspaper for letting out the said flat. He submits that at present, the said flat requires repair work so that the Court Receiver can let out the same on leave and license basis. Not only that, the Court Receiver also requires some amount to appoint an Architect to take estimate for carrying out the repair work of the said flat for the purpose of letting out on leave and license basis.

4 The learned counsel for the Applicant submits that the Applicant is ready and willing to deposit, initially, sum of Rs.3,00,000/- from the corpus of the deceased so that the Court Receiver can take appropriate steps for letting out the said flat and also to clear the liabilities, if any.

5 Considering the submissions made by the learned counsel for the Applicant and the Court Receiver, following order is passed:

a. The Applicant is permitted to deposit a sum of Rs.3,00,000/- in the office of the Court Receiver from the corpus of the deceased towards the expenses to be incurred by the Court Receiver for the repair work of the said flat, for payment of the outstanding maintenance charges of the Sea & Sky Coop. Housing Society Ltd., as per their bill No.548 dated 01.11.2019, to appoint an Architect for obtaining valuation report and for other expenses.

b. The Interim Application stands disposed of accordingly.

c. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)