

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER REPORT NO. 264 OF 2019
IN
SUIT NO. 783 OF 1987**

BeharamN. Gamadia & anr. ...Plaintiffs

Versus

Smt. Babli Samartathmal Seth & ors. ...Defendants

Ms. Falguni Thakkar, a/w Sachin Shankar, i/b DSK Legal, for the plaintiff in Suit 783/1987 and for Defendant nos.2 and 3 in Suit No.1680/2005.

Ms. Rujuta Patil, a/w Niyathi Kalra, Sonu Bhasi, i/b Negandhi Shah & Himayatullah, for Defendant nos.2 and 3.

Mr. Amit Seth, for Defendant no.1(b).

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

CORAM: N. J. JAMADAR, J.

DATED : 9th JANUARY, 2020

PC:-

1. Heard the learned Counsels for the parties.
 2. The Court Receiver's Report is placed before the Court.
- The Court Receiver seeks directions to the legal representatives of defendant no.1 to deposit the arrears of security charges from April, 2019 to December, 2019 to the tune of Rs.2,72,360/- and deposit the security charges in advance for the period from 1st January, 2020 to 31st December, 2020, in terms of the order passed by this Court on Court Receiver's Report No.149 of 2013, on 13th November, 2013.

3. This Court on 13th November, 2019 had passed the following order:

- “(a) The Court Receiver shall remove the security guards who are on the suit property as per prayer (a) of the report.
- (b) The Receiver shall appoint his own security guard.
- (c) The defendant No.1 S. P. Seth shall make payment of the arrears within two weeks from today.
- (d) He shall also make payment of the security charges each year in advance.
- (e) He shall also pay the costs, charges and expenses of the Court Receiver and the charges of this report, as prayed.
- (f) The Court Receiver’s Report is disposed of accordingly.”

4. Mr. Seth, the learned Counsel for defendant no.1(b), submits that defendant no.1(b) undertakes to deposit the arrears of security charges for the period from April, 2019 to December, 2019, within four weeks from today.

5. Mr. Seth further submitted that the order dated 13th November, 2013, be modified and the legal representatives of defendant no.1 be permitted to deposit the security charges on quarterly basis instead of annual payment in advance. The submission on behalf of defendant no.1(b) may further complicate the matters and in the event of default on the part of the legal representatives of defendant no.1, the Court Receiver would be required to seek directions time and again. Thus, the

prayers for modification in the order dated 13th November, 2013 stands rejected.

6. Defendant no.1(b) shall deposit the annual security charges for the period from 1st January, 2020 to 31st December, 2020 alongwith the arrears of the security charges for the period April 2019 to December 2019, within a period of six weeks.

7. Defendant nos.1(a) to 1(d) shall continue to deposit the security charges in terms of order dated 13th November, 2013.

8. Defendant nos.1(a) to 1(d) shall pay the costs of the Court Receiver's Report as claimed in Clause (d) of the report.

9. The Court Receiver's Report stands disposed of.

[N. J. JAMADAR, J.]