

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

**CHAMBER SUMMONS NO.9 OF 2018
IN
EXECUTION APPLICATION NO.1153 OF 2017**

Tata Capital Financial Services Ltd.	.. Applicant/Plaintiff
v/s.	
Lal Krishna Yadav & Anr.	.. Respondents
And	
The Court Receiver, High Court, Bombay	.. Respondent no.3

Mr. Nikhil Mehta i/b. KMC Legal Venture for the plaintiff.

None for the defendants.

**CORAM : A. K. MENON, J.
DATED : 8TH SEPTEMBER 2021.**

P.C. :

1. Pursuant to order dated 20th August, 2021, Mr. Mehta states that one more attempt has been made to serve the respondents but the packets have been returned to his office with the remark "left". In the event, he submits that personal service is not possible since the respondents are not traceable. Court Receiver has been appointed of the hypothecated machinery which is stated to be in the

possession of the applicants.

2. The applicant is today seeking a direction to discharge the Receiver and to permit to sale of the equipment. Mr. Mehta submits that there has been no challenge to the award and since the party is not traceable, if the order permitting sale is passed, the applicant will invite offer by issuing public notices in two daily newspapers one in the English language and one in Hindi including in the area where the respondents were last known to reside. On his statement, I am inclined to discharge the Receiver subject to payment of costs and charges of the Receiver. Respondents are absent on call and it appears that they are not traceable and disinterested in contesting the application.
3. Accordingly I pass the following order;
 - (i) There will be an ad-interim relief in terms of prayer clauses (a), (b) and (c) subject to payment of costs and charges of the Court Receiver within two weeks of this order being uploaded.
 - (ii) Chamber Summons is disposed in the above terms.

(A. K. MENON, J.)