

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAO) NO. 481/2021 IN CIVIL APPLICATION (L) NO. 20/2018
IN OFFICIAL LIQUIDATOR REPORT NO. 15/2016 IN COMPANY PETITION
NO. 05/2001

Gopal s/o Brijmohan Jhunjhunwala and another V/s The Official Liquidator.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.L. Khapre, Senior Advocate with Shri D.R. Khapre, Advocate for applicants.
Dr. Shri Anjan De, Advocate for Respondent (Official Liquidator)

CORAM : S.M. MODAK, J.

DATE : 06/10/2021.

1. Heard learned Senior Advocate Shri R.L. Khapre for the applicants and learned Advocate Shri Anjan De for the Official Liquidator.

2. Today, this Court has confirmed the sale of plot No.144 in favour of these two applicants. Amongst one of the prayers in Civil Application No. 20/2018, there is also a prayer to grant six months time to comply with the deposit of balance consideration. Apart from that, there are also other prayers. Apart from these two applicants, there are also other applicants in Civil Application No. 20/2018.

3. It is true that there was an encroachment of plot No. 144. The Official Liquidator has persued with Police Authorities, Akola for removal of encroachment. Letter written to Police and to the encroachers were filed along with the application. Now, it is submitted on behalf of the Official Liquidator that the

encroachment is removed. The present applicants agree to this submission.

4. The Official Liquidator as per his letter dated 19/07/2021 have informed to the applicants to deposit balance sale confirmation amount to the tune of Rs. 90,46,000/-. The applicants vide their letter dated 02/08/2021 have informed about payment of entire consideration. The details are given in the said letter. They have enclosed demand draft to the tune of Rs. 89,45,490/-. An amount of Rs. 1,00,510/- is deducted towards tax at source. Certificate is handed over to the Official Liquidator. He admits both the things. In this manner, entire consideration is paid.

5. The learned Advocate Shri Anjan De submitted that applicants be directed to execute the indemnity bond, in case if anyone makes a claim on the basis of Will executed by deceased Gomati.

6. In view of this, the following order is passed:-

ORDER

a) The Official Liquidator is directed to execute the sale-deed in respect of plot No. 144 situated at Taluka and District, Akola in favour of Applicant No.1-Gopal Jhunjhunwala and Applicant No.2-Suraj Jhunjhunwala, thereby mentioning the

consideration of Rs. 1,00,51,000/- (Rs. One Crore Fifty One Thousand only) as early as possible and not later than 30 days.

- b) Both the parties are directed to fix the date of execution and registration mutually.
- c) This sale-deed be executed only on furnishing indemnity bond by these two applicants, that they will identify the Official Liquidator if any claim is made in respect of the Will executed by deceased Gomatibai Brijmohan Jhunjunwala.
- d) Civil Application is disposed of.

JUDGE