

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

Civil Application [CAL] No.1 of 2020
in
Company Petition [CMP] No.5 of 1997(D)

Shri Jayant Krishnarao Naik vs. 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 Mahesh Rai, Advocate for the Applicant.

Shri Pavan Raulkar h/f Mrs. Sharda Wandile, Advocate for the Respondent.

CORAM : S.M. MODAK, J.

DATE : 13th OCTOBER, 2021.

Heard the learned Advocates for the parties.

02] Read the pursis bearing Stamp No.5152/2020 and the copy of the minutes annexed to it. The Official Liquidator has sealed the property, as the company by name M/s. Sanjeevani Savings & Investments (India) Ltd. was wound up. The present applicant even was asked vide letter dated 29/08/2005 to submit necessary documents. By this application, the applicant wants direction to the Official Liquidator to de-seal the property, bearing Block No.29, 2nd Floor, 'Bhagyodaya' Building, situated on land bearing City Survey No.9E, Tika No.24, Near Thane Railway Station, Thane.

03] This Court, as per the order, granted liberty to the applicant to attend the office of Official Liquidator. The Official Liquidator was directed to submit report. Vide Pursis Stamp No.5152/2020, the report is submitted by the Official Liquidator. Perused the same.

04] The applicant through his learned Advocate has submitted papers for scrutiny by the Official Liquidator. The details are given in

paragraph 3 of the said pursis. It consists of rent receipts, property tax demand notice and receipt, and property card.

05] It reveals that the present applicant-Jayant is one of the legal heir of Krishnarao Naik. The details are mentioned in paragraph 5 of the pursis. Other legal heirs have also given no objection certificate. It is mentioned in the same paragraph. The minutes of the proceedings also disclose that the rent receipts are issued to one Anil Punaji More in respect of that block. Whereas, the Corporation has demanded the house tax from Jayant Naik and Narendra Naik. The Official Liquidator after scrutiny of these papers have requested this Court to pass appropriate orders.

06] From the above, it does not reveal that the company, which was wound up, was using the premises and the Official Liquidator does not claim that the company is having ownership right over the said premises. So, this Court finds it justifiable to accept the prayer. Hence, the order :

ORDER

- i. The application is allowed.
- ii. The Official Liquidator is directed to de-seal the property described in paragraph 3 of the application within the period of one month from today.
- iii. The Official Liquidator is also directed to hand over the vacant and peaceful possession of that property to the applicant after completing the necessary formalities.

JUDGE