

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1965 OF 2022****IN****CIVIL REVISION APPLICATION NO. 541 OF 2019**

Ismail Electricwala	... Applicant
<u>In the matter between :-</u>	
Ibrahim Electricwala & Anr.	... Applicants
V/s.	
Logix Supply Chain Solution Pvt. Ltd. & Anr.	... Respondents

Mr.Murtaza Najmi a/w. Mr.Kaizar Merchant, Ms.Nidhi Salian, Mr.Ayaan Hafiz
i/b. Apex Law Partners for Applicants.
Mr.Ramdas Hake Patil for Respondent.

CORAM : A.S. GADKARI, J.**DATE : 6th May 2022.****PC. :**

1. This is an application for direction to Respondent No.2 i.e. Court Receiver to handover possession of the suit premises in favour of the Applicants and to discharge Court Receiver appointed by this Court.

2. Various Orders passed prior to this leading to appoint Court Receiver by Order dated 4th October 2021 need not to be reproduced to unnecessary verbiage the present Order. It is the fact on record that, for the reasons stated in the Order dated 4th October 2021, this Court had directed the learned Civil Judge Senior Division, Bhiwandi, seized of Suit No. 55 of

2018 to appoint Nazir of the said Court as Court Receiver of the said suit premises. The said Order has been implemented on 20th October 2021.

Mr.Najmi, learned counsel for the Applicant had made statement before this Court that, the authorized Officer of the Original Respondent has handed over vacant and peaceful possession of the suit premises in favour of the Applicants. The said fact is recorded in the Order dated 27th October 2021.

Mr.Hake-Patil, learned Advocate for Respondent-Company on instructions from the authorized representative of the Company concedes to the said fact and further submitted that, the Respondent-Company had addressed a letter to the Applicant to that effect, which is annexed at page No.29 to present application.

3. In view thereof, now what remains in the present Petition is payment of compensation by Respondent-Company to the Petitioners.

4. It is to be noted here that, as the Respondent-Company did not comply with the Order dated 27th October 2021 passed by this Court, this Court has initiated suo-moto Contempt Petition No. 478 of 2021 against the Directors of Respondent-Company by its Order dated 2nd December 2021.

5. In view of the above, this Court is of the opinion that, the continuance of appointment of Court Receiver over the suit property is no more required and the Court Receiver appointed by Order dated 4th October 2021 is hereby discharged with immediate effect.

6. As far as the remuneration to be paid to the Court Receiver is concerned, this Court thinks it appropriate to quantify it to Rs.15,000/-. The said remuneration would be termed as 'costs' towards appointment of the said Court Receiver. The said costs be paid to the Advocates Library of Bhiwandi Bar Association, Bhiwandi, within a period of three weeks from the date of uploading of the present Order on the Official Website of High Court.

7. Subject to payment of costs, the Court Receiver is discharged and the Application is allowed in terms of prayer clauses (a) & (b).

[A.S. GADKARI, J.]

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