

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COURT RECEIVER'S REPORT NO. 31 OF 2020

IN

ARBITRATION PETITION NO.259 OF 2003

Dr Kalpana D. Velaskar

... Petitioner

vs.

Dr. Francis Pelagio Candes

... Respondent

Ms. Smita Gaidhani for the Petitioner.

Mr. Abhishek Patil i/b. Mr. H. S. S. Murthy for the Respondent.

Mr. S. K. Dhekale, OSD for the Court Receiver.

CORAM : A. K. MENON, J.

DATED : 31st JANUARY, 2022

[THROUGH VIDEO CONFERENCE]

P.C. :

1. Both parties agree that as far as the amount of arrears is concerned an amount has agreed between parties in Consent terms have been filed before the sole Arbitrator. Both learned counsel state that they will intimate the Receiver upon passing of the award.

2. The Receiver was appointed in the petition under Section 9 which has since been disposed. In these circumstances this report need not be kept pending. Accordingly, I pass the following order :

- (i) Receiver shall be at liberty to apply for further directions in relation to a sum of Rs.45,000/- said to be retained by the Receiver and which may be subject matter of the consent award. It will be open for the Receiver to apply after certified copy of the consent award is filed before the Receiver.
- (ii) Court Receiver's Report is therefore disposed in the above terms.
- (iii) It is also agreed between the parties since the Receiver is already discharged, it is clarified that the discharge of the Receiver is without passing of the accounts and subject to payment of his costs, charges and expenses.
- (iv) In the meantime costs are allowed in terms of prayer clause (b). The amount shall be deducted from the amount lying with the Receiver.

(A. K. MENON, J.)