

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**COURT RECEIVER REPORT NO. 31 OF 2023
IN
MISCELLANEOUS PETITION (L) NO. 13512 OF 2021**

Heena D. Manek

...Petitioner

Vs.

Mahendra T. Shah & Ors

...Respondents

**WITH
INTERIM APPLICATION (L) NO. 12470 OF 2022
(NOT ON BOARD)
IN
INTERIM APPLICATION NO. 18856 OF 2021
IN
MISCELLANEOUS PETITION (L) NO. 13512 OF 2021**

Mr. Suyash Gadre a/w. Mr. Abhishek Thoke for Petitioner.

Mr. Susmit Patale i/b. Uttam Rane for Respondent Nos. 2 & 3.

Mr. S. K. Dekhale, Court Receiver present.

CORAM : ARIF S. DOCTOR, J.

DATE : 1st March, 2023

P.C. :

1. The Court Receiver has filed the present report being Court Receiver Report No. 31 of 202023 seeking the following directions :-

“(a) What steps the Court Receiver should take as no offer is received in respect of Flat No. 1502/D, 15th Floor, and Car Parking Space No.54 in Niharika CHSL, Opp. Lokpuram, Pokhran Road No.2, Thane – 400 610 ?

(b) The Petitioner may be directed to deposit an amount of Rs. 50,000/- with the Court Receiver as there is Rs. 1,163,45/- lying balance in the suit account which is insufficient to meet the office expenses.

(c) Cost of this report be fixed at Rs.5,000/- and the Petitioner may be directed to deposit the same.

(d) Any other directions the Hon’ble Court may deem fit and proper.”

2. The Court Receiver submitted that despite compliance with the order dated 28th September, 2021 no offers have come forth for taking Flat No.1502/D, 15th Floor, and car parking space No. 54 in Niharika CHSL, Opposite Lokpuram, Pokhran Road No. 1, Thane- 400 610 on Leave and License basis.

3. Learned Counsel appearing on behalf of the Plaintiff submits that the Plaintiff had taken out Interim Application (L) No. 12470 of 2022 for permission to take the said flat on Leave and License basis by way of private treaty. Today, given the fact that there are no offers for taking the flat despite the issuance of the advertisement in the local newspaper in Thane, I see no reason

why the said Flat should not be given on Leave and License basis by way of private treaty provided that the compensation is in accordance with the valuation report submitted to the Court Receiver. It is submitted that the same is to be given by the private treaty, the same shall be done at the hands of the Court Receiver after due compliance of all requisitions that he may required. This will therefore, disposed of in terms of direction (a) of the Court Receiver's Report which reads as under:-

"a) What steps the Court Receiver should take as no offer is received in respect of Flat No. 1502/D, 15th Floor, and Car Parking Space No.54 in Niharika CHSL, Opp. Lokpuram, Pokhran Road No.2, Thane – 400 610 ?"

4. In so far as the next direction that is sought for i.e. direction (b), the learned Counsel for the Petitioner submits that the Petitioner shall comply with the same, by making a deposit of Rs. 50,000/- with the Court Receiver, within a period of two weeks from today. In view therefore, Court Receiver Report is disposed of in terms of the above order. Cost of the Court receiver Report mentioned in direction (c) is allowed.

5. It is made clear that all parties are at liberty get a proposed tenant who would be willing to take said flat on Leave and License Basis.

6. Court Receiver's Report is accordingly disposed of.

7. Interim Application (L) No. 12470 of 2022 is also disposed of in terms of the above order.

(ARIF S. DOCTOR, J)