

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.113 OF 2022
IN
SUIT NO.3907 OF 2002

VISHAL
SUBHASH
PAREKAR

Digitally signed by
VISHAL SUBHASH
PAREKAR
Date: 2023.03.03
14:21:26 +0530

Devanshu K. Tewari	...Applicant
<i>In the matter of</i>	
Kewal Krishan Tiwari	...Plaintiff
vs.	
Rajkumari Sharma and Another	...Defendants

Ms. Hina Mody, for the Applicant.

Ms. Disha Karambar-Mulgaonkar i/b. Disha Karambar &
Associates, for Defendant Nos.1(a) and 1(b).

Mr. E.B. Sivakumar, 1st Asstt. to C.R. present.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 02, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. This application is preferred seeking permission to withdraw the royalty amount deposited by the defendants with the Court Receiver. The applicant also seeks directions to the Court Receiver to collect the maintenance charges in respect of the suit premises from the defendants and enhance the royalty amount.
3. The learned counsel for defendant Nos. 1(a) and 1(b) submits that defendant Nos. 1(a) and 1(b) have no objection to pay the

amount which stands deposited with the Court Receiver towards the royalty received from the defendants. Learned advocate for defendant Nos. 1(a) and 1(b) further submits that defendants are regularly paying the maintenance charges and there are no arrears.

4. The 1st Assistant to Court Receiver informs the Court that the royalty of Rs. 6,000/- was fixed on 8th June, 2004. Though the license agreement has been renewed in the year 2019, the royalty amount continues to be the same.

5. Having regard to the time which has elapsed, it may be expedient to direct the Court Receiver to appoint a valuer to ascertain the royalty which the suit flat may fetch.

Hence, the following order.

ORDER

1] The Court Receiver to pay a sum of Rs. 20 lakhs to the plaintiff after deducting the Court Receiver's commission, charges, expenses and costs.

2] The Court Receiver shall appoint a valuer to ascertain the amount of royalty which the suit flat can fetch.

2] The fee of the valuer shall be paid by the Court Receiver out of

the balance amount to the credit of the suit account.

3] The defendants shall continue to pay the society maintenance charges.

4] In the event of default in payment of maintenance of society charges, the Court Receiver or the plaintiff may move the Court.

Application disposed.

(N. J. JAMADAR, J.)