

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 8277 OF 2024
IN
FIRST APPEAL NO. 423 OF 2003

Kanaiyalal Purshotamdas Shah and ... Appellant/Applicant
Anr.

V/s.

Court Receiver, High Court, Bombay ... Respondent

Mr. Satyavan N. Vaishnav with Ms. Nupur Mukherjee i/by Vipul Shukla, for the applicant.

Ms. C.M Vaidya, 2nd Assistant to Court Receiver, High Court, Bombay.

Mrs. Ujjwala Sankpal, Master (adm.) Court Receiver, Bombay.

CORAM : KISHORE C. SANT, J.

DATE : 3RD MAY 2024.

PC:

1. Heard the applicant.
2. Applicant is one of the original plaintiffs. This application is filed for direction to the Court Receiver to release an amount of Rs.1,34,72,400/- along with interest accrued thereon. Pursuant to order dated 8th January 2024 passed by this Court in Interim Application No. 2738 of 2019 in First Appeal No. 423 of 2003 with

Interim Application No. 2821 of 2021 in First Appeal No. 423 of 2003. Learned advocate invites attention to the order dated 10th February 2020 passed by this Court in First Appeal No. 423 of 2023 along with Interim Application No. 1 of 2019 wherein this Court had discharged the Court Receiver upon receipt of payment of Rs.6,33,07,920/- by respondent no. 1 therein on behalf of respondent nos. 1, 4, 7, 8 and 11 i.e. Plaintiffs in respect of land. He further invites attention to the order dated 8th January 2022 passed in Interim Application No. 2738 of 2019 in First Appeal No. 423 of 2020, this Court in Para No. 19 had directed the Court Receiver to pay to the applicants/plaintiffs an amount of Rs. 1,34,72,400/- with interest accrued thereon. It is thus submission of the learned advocate for the applicant that inspite of this order, the Court Receiver has not released the said amount.

3. This Court has considered the orders dated 10th February 2020 and 8th January 2024 which are confirmed. It is further pointed out that though the order dated 8th January 2022 was challenged before the Hon'ble Apex Court in Special Leave to Appeal No. 3970 of 2024, the said challenge was turned down by the Hon'ble Apex Court vide order dated 16th February 2024. He thus submits that there is no reason to withhold the amount by the Court Receiver.

4. This Court finds that once this Court had directed to release the entire amount with interest accrued thereon, it was for the Court receiver to release the amount in favour of present applicant i.e. Applicant No. 1-Kanaiyalal Purshottamdas Shah. Hence, the following order:

ORDER

- i) The Court receiver to release the amount of Rs. 1,34,72,400/- in favour of applicant no. 1 i.e. Kanaiyalal Purshottamdas Shah for and on behalf of all the plaintiffs as stated in the order dated 10th February 2020 along with accrued interest thereon.
- ii) Court Receiver stands discharged.

4. The application stands disposed of.

(KISHORE C. SANT, J)