

Amberkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 722 OF 2000**  
**WITH**  
**COURT RECEIVER'S REPORT NO. 2 OF 2024**

Ravi Waman Pandit

.. Petitioner

**Versus**

Hemaben Malshi Gala

.. Respondent

.....

- Mr. S.K. Dhekale, Court Receiver, High Court

.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : JANUARY 25, 2024**

**P. C.:**

1. None appears for the parties.
2. On 18.01.2024 this Court passed the following order after perusing the earlier orders and record of the case:-

*"1. None for the parties.*

*2, Court Receiver is directed to remain present and inform the status of suit premises of which he has been appointed Receiver by order dated 21.07.2000. Copy of this order shall be placed before the Court Receiver and he shall also be given copy of order dated 21.07.2000 passed by this Court.*

*3. Appropriate report with respect to rent received by Court Receiver till date, if any, shall be made by the Court Receiver considering that the matter is now slated for final hearing. There is further order dated 04.05.2012 recorded by Coram : N. M. Jamdar, J. which records the statement of the Advocate for the Applicant in Civil Application No.1368 of 2001. It is recorded is that matter is settled and therefore Civil Application was withdrawn.*

*4. There is further order dated 29.08.2012 in respect of another Civil Application filed in the Writ Petition which records that none has remained present on earlier occasions as well as on that date. Therefore there has been no movement in the matter. One last chance is given to the parties. If the same position continues on the*

*next adjourned date, the Writ Petition shall stand dismissed for non-prosecution.*

5. *Stand over to 25<sup>th</sup> January, 2024.”*

3. Today, learned Court Receiver is present before me and he has filed Court Receiver's Report No. 2/2024 in compliance of the order dated 18.01.2024.

4. Once again when the matter is called out for final hearing, none appears for the parties and presumably so in view of the order dated 04.15.2012 when the learned Advocate for Applicant who is the Respondent in the present Petition had appeared before this Court and his statement was recorded that the matter was settled. In that view of the matter, Respondent had withdrawn Civil Application No. 1368 of 2001. It is an irony that despite the order dated 04.05.2012, the appointment of the Court Receiver which was done by order dated 21.07.2000 never fructified and still stands continued.

5. Be that as it may, in view of the absence of the parties to assist the Court in prosecuting the Writ Petition, Writ Petition stands dismissed for default and want of prosecution.

6. Liberty to apply to the parties.

7. In so far as Court Receiver Report No. 2/2024 is concerned, I have perused the same. Court Receiver has delineated the steps taken by him to take possession of the suit shop and also referred to the site

report filed on 08.12.2000 followed by the second site report dated 26.12.2000 and followed by three meetings with the parties thereafter, all in the year 2001. In view of the fact that the suit shop remained locked at the then time, Respondent filed Civil Application No. 1368/2001 in this Court seeking direction to the Court Receiver to take physical possession of the suit shop forcibly by breaking open the lock if the same was closed and to take police help for the same. The said Civil Application No. 1368/2001 however after 11 years came to be withdrawn by the Respondent on 04.05.2012 stating that the matter was settled. However, appointment of the Court Receiver incidentally continued on paper even thereafter. It is only when the present Writ Petition was listed for final hearing, the aforesaid issue was observed by the Court and the Court passed the order dated 18.01.2024 calling upon the Court Receiver to place the status report on record. Accordingly that report being Court Receiver's Report No. 2/2024 dated 24.01.2024 is placed on record. I have perused the same. The facts delineated in the report are all taken into cognizance by the Court. There can be no impediment in allowing this report considering the aforesaid observations and findings. Hence, the report stands allowed in terms of prayer clauses (a) and (b).

8. In so far as recovery of the Court Receiver charges and expenses with respect to the suit shop are concerned, the Court Receiver is at

liberty to reconcile the statement of charges and expenses and recover the same from the Respondent. In the event, if the Respondent does not co-operate, it shall be open for the Court Receiver to take appropriate steps for recovery of the said charges in accordance with law as the Court Receiver was appointed at the behest and on the Application of the Respondent filed in 2001.

9. With the above directions, Court Receiver's Report No. 2/2024 is allowed. Court Receiver stands discharged in so far as the suit shop is concerned. Court Receiver's Report is disposed.

Amberkar

[ MILIND N. JADHAV, J. ]

RAVINDRA  
MOHAN  
AMBERKAR  
Digitally  
signed by  
RAVINDRA  
MOHAN  
AMBERKAR  
Date:  
2024.01.25  
17:57:36  
+0530