

Ajay

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

WRIT PETITION NO. 1771 OF 2024

Padmini Hiralal Jain and Anr.

.. Petitioners

Versus

Ashokkumar Mishrimal Jain and Anr.

.. Respondents

-
- Mr. Amogh Karandikar, Advocate for Applicant.
 - Mr. Laxman V. Madgundi, Representative of Court Receiver present.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 13, 2024.

P.C.:

- 1.** Not on Board. Mentioned. Taken on Board.
- 2.** Heard Mr. Karandikar, learned Advocate for Applicant.
- 3.** In the present matter, today it is informed by Mr. Karandikar, learned Advocate for Applicant that the order dated 10.05.2024 passed by this Court has been breached by the Respondents. Clear undertaking was given by Respondents in that order and they were required to pay the amounts as agreed in the Minutes of Order as per their own undertaking to this Court as per the schedule given therein.
- 4.** It is seen that there is complete dereliction on the part of Respondents as also the Court Receiver of this Court in not adhering to

the directions contained in paragraph No.8 of the order. If there was any default, it was the duty of the Court Receiver to immediately apply to this Court and seek an order in respect of Court Receiver Report No.7 of 2024, *inter alia*, with respect to the subject premises. The timeline has been breached on and from 29.06.2024 as can be seen.

5. The Court Receiver has infact addressed a request letter to Respondents to pay the balance amount despite the breach of timeline without seeking directions from the Court or placing its report for orders. This is not the way how the Court Receiver's office is required to function. Court Receiver of this Court was specifically directed by order dated 10.05.2024 to move this Court in the event if any default occurred and seek an order in terms of his report. He has not done so despite the breach by Respondents.

6. Respondents are directed by this Court to remain present before this Court on the next adjourned date alongwith the entire arrears upto till date. If Respondents do not remain present before this Court on the next adjourned date alongwith the entire arrears amount up till date, this Court shall immediately hear the Court Receiver Report and pass appropriate orders in respect of the subject premises which is *custodia legis*.

7. Court Receiver of this Court is also directed to remain present before this Court on the next adjourned date and inform the

Court as to on what basis the letter was addressed to the Respondents and why was Report No.7 not moved before this Court despite a clear breach of the timeline.

8. Stand over to **18th September 2024**. To be placed under the caption **“First on Board”**.

[MILIND N. JADHAV, J.]

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