



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

COURT RECEIVER REPORT NO.8 OF 2024
IN
FIRST APPEAL NO.356 OF 2016

Mr. Narendra Kalyanji Guri

... Appellant.

Versus

Smt. Nirmala Trikamdas Guri and Ors.

... Respondents.

Mr. S.S. Redkar, for the Appellants.

Mr. Maulik Tanna, for the Respondent Nos.2A and 2D.

Coram : Sharmila U. Deshmukh, J.

Date : July 01, 2024

P. C. :

1. The Court Receiver's report seeks direction for steps to be taken as regards the original Defendant No.1, who has since expired and his legal heir i.e. his son-Appellant No.1B seeks appointment as agent of Court Receiver in place of deceased-original defendant No.2 and in respect of the arrears of royalty of Rs.22,50,000/- for the period from July, 2020 to March, 2024 in respect of the suit Shop No.3.

2. By an order of 15th January, 2001, the Court Receiver came to be appointed and subsequently, the original Defendant No.2 was put in possession of the suit premises as agent of the Court Receiver, upon payment of royalty of Rs.50,000/- p.m. and also rent, insurance premium, tax wages etc. for the period from February, 2011 to June, 2020. The royalty was deposited by the Defendant No.2 in the office of the Court Receiver which has been invested by the Registry in the

various fixed deposits. Upon the death of the original-Defendant No.2 on 16th October, 2023, an application was made by his legal heir for being appointed as agent of the Court Receiver and executing the necessary agency agreement. However, there are arrears of royalty of Rs.22,50,000/- for the period of July, 2020 to March, 2024 in respect of the suit premises which is in the possession of the son of the original Defendant No.2.

3. This Court is informed that subsequently, the son has been implemented as Appellant in place of the original Defendant no.2, as Appellant No.1B. Upon query by this Court, learned counsel for the Appellants submits that the Appellant No.1B is not in a position to immediately make the payment of arrears of royalty of Rs.22,50,000/- and time is sought. The arrears of royalty are for the period of July, 2020 to March, 2024 and the Official from the Court Receiver's department has pointed out that as of date the total arrears of royalty is Rs.24,00,000/-.

4. Considering that there are arrears of royalty from February, 2020 till date and motion has been moved for reducing the royalty from Rs.50,000/- to a reasonable amount, it is clear that Appellant No.1B is not in a position to make the payment of the amount of royalty.

5. In view thereof, the Court Receiver is directed to take forcible physical possession of Shop No.3 with the assistance of the local police. Subsequent thereto the Court Receiver is directed to take necessary steps to call for bids for appointment of agent of the Court Receiver and to take further steps accordingly.

6. All parties to act on the authenticated copy of this order.
7. Stand over to **8th July, 2024**, under the caption for 'direction'.

[Sharmila U. Deshmukh, J.]